FEDERAL BUREAU OF INVESTIGATION
ENCLOSURE COVER SHEET

SUBJECT: PENVIC

FILE: 44-25873 Sub A

SECTION 1 OF 1

THIS SECTION IS COMPRISED OF 220 PAGES
WHICH WERE REVIEWED FOR THIS RELEASE.

220 PAGES ARE AVAILABLE FROM THIS SECTION
FOR RELEASE.

THIS IS ENCLOSURE 24 OF 25 ENCLOSURE(S)

NO DUPLICATION FEE
FOR THIS PAGE

-19 (Rev. 12-9-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Judge Upholds Penn Convictions

D-23

NEW ORLEANS, May 17 (AP)—A Federal appeals court here upheld the conviction of Cecil William Myers and Joseph Howard Sims, who were given 10 years in prison for conspiracy in connection with the shooting, beating and killing of Negroes in Georgia.

Among the alleged victims was Lt. Col. Lemuel Penn, a Negro officer in the Army Reserve, who was killed July 11, 1964, near Athens, Ga., as he was driving from Fort Benning, Ga., to Washington, D.C.

44-25873-A-

FBI 6-1-67

44-25873

55 MAY 25 1967

190-20808-15

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
World Journal Tribune
(New York)
The Sun (Baltimore)
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date MAY 18 1967

6-19 (Rev. 12-9-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Today's News Briefs

## 2 Linked to Penn Killing Lose Appeal

NEW ORLEANS (AP)—A federal appeals court today upheld the conviction of Cecil William Myers and Joseph Howard Sims, who were given 10 years in prison for conspiracy in connection with the shooting, beating and killing of Negroes in Georgia.

Among the alleged victims was Lt. Col. Lemuel Penn, of Washington, D.C., a Negro officer in the Army Reserve who was killed July 11, 1964, near Athens, Ga., as he was driving from Ft. Benning, Ga., to Washington.

Penn was killed by a shotgun blast fired from a car. The 5th U.S. Circuit Court of Appeals said Friday a jury had found that Sims and Myers and a third conspirator were in the car.

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington) 41
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
World Journal Tribune
(New York)
The Sun (Baltimore)
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date MAY 17 1967

44-25873-A
NOT RECORDED
176 MAY 19 1967

396 44-25873
62 MAY 22 1967

6-10 (Rev. 5-4-66)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Klansman Gets 10 Years In Shooting

ATHENS, Ga. (AP) — A Ku Klux Klansman who was convicted last month on federal charges of conspiring to violate the rights of Negroes has been sentenced to 10 years in prison for assault with intent to murder his wife.

Joseph Howard Sims, 43, of Athens, had pleaded guilty to charges last month. His wife, Betty, mother of eight, was shot last May while working as an aide in an Athens Hospital.

Officers said witnesses named Sims as the assailant and searched for him for two days before he surrendered.

Superior Court Judge James Barrow gave Sims the maximum sentence yesterday on the assault charges.

Sims was also sentenced to 10 years by U. S. Dist. Judge William A. Bootle in July after h.. was tried on federal conspiracy charges in the death of Lemuel Penn, a Washington, D. C. Negro educator. Penn was hit by a shotgun blast on a remote, fog-shrouded road in Madison County in 1964. Sims was later acquitted of charges of murder in a state court.

Bootle had stipulated earlier that Sims, if convicted on the assault charges, would serve out a sentence in state prison before beginning his sentence on the federal conviction.

44-25873-A

NOT RECORDED
184 AUG 18 1966

57 AUG 22 1966

44-25873

AUG 14 1966

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

0-19 (Rev. 5-4-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Georgia Justice

The end result of the trial of six Georgia Klansmen, allegedly involved in the 1964 murder of Samuel Penn, leaves much to be desired. Still, it makes one important point: White hoodlums, even in rural Georgia, can no longer murder a Negro with impunity.

A jury sitting in Athens, Ga., found two of six defendants (in two separate trials) guilty of violating Penn's civil rights under an 1870 stature. The convicted men previously had been tried for murder, and were acquitted. It is something of a mockery that, for the same acts, they are now held guilty of infringing the murdered man's civil rights. Still, the guilty verdict under an 1870 law results in some measure of justice. And the 10-year prison sentence which has been given the two Klansmen will make others afflicted with a similar turn of mind think long and hard before they gun down some other unoffending Negro who happens to be driving along a Georgia highway.

There are a few other points which should be made. One is that it was the FBI, accused by some civil rights leaders of dereliction in the South, which dug up the evidence that led to the conviction in this case. Another is that the guilty verdict was returned by an all-white jury. A third is that the prosecutor, a white man, denounced the defendants as a "bunch of cowards," and appealed for a conviction to show that "we believe in the rights of men, regardless of race, creed or color." Finally, it was also a white man, District Judge William A. Bootle, who imposed the maximum prison sentence on the convicted defendants.

All of which points to one conclusion: Justice in the South, as between a Negro and whites, is still less that perfect. but the scales are tipping toward a balance.

Penvic

Big Bidder Ben
Hedgington

44-25973-A

NOT RECORDED
184 JUL 19 1966

File
Penvic

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star A-6
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 12 1966

F 256
5 JUL 20 1966

8-19 (Rev. 5-4-66)

Tolson
DeLoach
Mohr
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Klansmen as Conspirators

E-5

Two Ku Klux Klansmen in Georgia were convicted last week in a case tied to the murder of a Negro. The verdict lent great support to the Administration's call for expanded Federal jurisdiction to try racial terrorists in the South.

When the conviction of Cecil W. Myers, 28, and Joseph Howard Sims, 43, was announced in Athens, Ga., Friday, it was the second time within seven months that anti-civil rights terrorists were brought to justice in Federal court after being acquitted in state courts.

Myers, a carpenter, and Sims, a machinist, were convicted under an 1870 Federal conspiracy law which had been intended originally to protect newly freed slaves from intimidation. Until last December, the law had fallen into disuse because of narrow interpretation in the courts. The courts ruled that it could not be used unless the defendant had violated a "Federally protected" right—such as the right to vote or the right to use a Federal post office—in the course of the alleged act of violence. It could not be used in a case of homicide, previously, because the right to life ordinarily is under state rather than Federal protection.

The trend was reversed in December, however, when three Klansmen — Collie LeRoy Wilkins Jr., Eugene Thomas, and William Orville Eaton — were convicted by a Federal jury in Alabama of conspiracy in connection with the slaying of Mrs. Viola Gregg Liuzzo, the white civil rights worker. The law had applied in this case because Mrs. Liuzzo was participating in a voting rights drive under a Federal court order intended to protect civil rights advocates.

The case of Myers and Sims involved the slaying of Washington Negro educator Lemuel A. Penn on a Georgia highway in 1964. Acquitted of murder charges in the state courts, the two men — and four fellow Klansmen — went on trial before Federal District Judge William A. Bootle in Athens under the 1870 conspiracy law. Judge Bootle initially dismissed the indictment. He ruled that no "Federally protected" right was violated when Mr. Penn was slain.

However, last March the Supreme Court ruled for the first time that the right to travel in interstate commerce from state to state is a Federally protected right within the scope of the 1870 law. The Supreme Court sent the Penn case back for trial.

**Maximum Sentence**

The result was last Friday's conviction announcement — and, yesterday, the sentencing of Myers and Sims to 10 years, the maximum prison term provided by the 1870 law. But the other four defendants (three of them tried before a different jury) were acquitted, to the Justice Department's chagrin.

Over all, however, the conviction strengthens the case for a new Federal anti-racial violence law, with broader coverage and increased penalties, as proposed to Congress by President Johnson last spring. Some critics of the bill have charged that an expanded Federal law might be ineffective because the cases would still be turned over to Southern juries, which have failed consistently to bring anti-Negro terrorists to justice in state courts. But last week's decision and the December case show that convictions can be obtained from jurors of the same Southern background when the case goes to Federal court.

Pinvic

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

44-25873-A

NOT RECORDED
JUL 19 1966

JUL 10 1966

F256

Fib 6-A17

50 JUL 11

44-25873

5-19 (Rev. 5-6-65)

TOP CLIPPING
DATED 7-20-66
FROM N.Y. Times

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# 2 KLANSMEN GIVEN 10-YEAR MAXIMUM IN U.S. RIGHTS CASE

## 3d Defendant in Conspiracy Trial of 6 in Georgia Gets 2 Years on Drug Charge

By BEN A. FRANKLIN
Special to The New York Times

ATHENS, Ga., July 9—Two Ku Klux Klansmen previously acquitted by a Georgia State Court jury in the murder of Lemuel A. Penn, a Negro educator, were sentenced today to the maximum term of 10 years in Federal prison for having conspired to violate the civil rights of Mr. Penn and other Negroes.

Judge William A. Bootle passed the sentences this morning in United States District Court on Joseph Howard Sims, 43 years old, an unemployed machinist, and Cecil William Myers, 28, a semi-employed carpenter and textile worker. Their lawyer immediately filed an appeal with the United States Court of Appeals for the Fifth Circuit in New Orleans.

Four other Georgia Klansmen were acquitted of the conspiracy charges in verdicts of two all-white juries announced last night.

### Tried Last Week

Sims and Myers were tried last week, along with George Hampton Turner, 32. Judge Bootle ordered the verdicts sealed so as not to influence the outcome of the second trial, which ended last night with the acquittals of James S. Lackey, 30; Herbert Guest, 40, and Denver Willis Phillips, 34. Turner was acquitted in the first jury's verdicts, read last night by Judge Bootle.

Only three other Southern white men acquitted by State Court juries have received Federal sentences in connection with civil rights killings under the statute used here. The cases in the Athens Federal Court, however, had offered legal obstacles to Federal prosecution not present in the other trials.

Myers and Sims were identified in the signed statement of Lackey as the men who fired two shotgun blasts into Mr. Penn's speeding car near here in the predawn hours of July 11, 1964.

### Penn Killed Instantly

Testimony in the original State Court trial, held in Madison County in September of 1964 before an all-white jury, and in the Federal trial here, indicated that Sims's point-blank, 12-gauge shotgun blast, fired through the left front window of the Penn car, had instantly killed the Negro school official from Washington. Myers's shot narrowly missed another Washington Negro educator in the back seat.

Lackey, a filling station attendant, who drove the murder car owned by Myers, was never brought to trial by the state.

The convictions were obtained under a 96-year-old Reconstruction conspiracy statue, enacted in 1870 to protect the rights of Negroes after the Civil War. The convictions were regarded as a significant breakthrough for the Justice Department in the South.

Many white persons have escaped punishment in Southern States Courts with all-white juries for violence against Negroes, and the Government has rarely been successful in prosecuting conspiracy charges following these acquittals. Murder is not a Federal crime.

The acquittals of Lackey, whose four confessions of direct involvement in the Penn murder—two signed and two oral statements—were admitted as evidence this week, and the three others were a disappointment to Federal attorneys, however.

The testimony indicated that Turner and Phillips had been less actively involved in the violent anti-Negro activities of Athens Klavern 244 of the Ku Klux Klan.

In addition to imposing the prison terms on Sims and Myers, Judge Bootle also disposed of a Federal drug charge against Guest, an illiterate garage operator, who had pleaded guilty to four counts of selling amphetamines, or pep pills, at his garage near the University of Georgia campus here.

The judge sentenced Guest to six months on each of four charges, the sentences to run consecutively, for a total of two years in Federal prison. The maximum sentence under the four counts was four years in prison.

### Defense Jubilant

The judge also could have fined Sims and Meyers up to $5,000 each. At the request of the prosecution, he raised the bonds from $25,000 to $35,000.

Judge Bootle noted that under a new United States Supreme Court ruling, a person wishing to appeal but without funds to do so could make such an appeal at the Government's expense. Both defendants said they wished to exercise their rights under this ruling.

The jubilant defense attorneys made plain that they had not expected so sweeping a discharge of the cases, particularly against Lackey and Guest.

The unusual trial procedure was a reflection of the defense lawyers' apprehension. The trials were severed, legal language for separated, into two nearly identical five-day proceedings at the request of William J. Hudson, the chief defense counsel.

Mr. Hudson told newsmen that his request for severance had been prompted by Lackey's detailed confessions, which could be used not only against Lackey but also against Sim and Myers had all the men been tried together.

As it was, the Lackey statements appeared as evidence after the trial of Sims and Myers had ended.

When the second jury completed 5 hours 15 minutes of deliberation at 11 o'clock last night, Judge Bootle read both verdicts.

### Marshals on Hand

The scene was dramatic. Sims, a powerfully built and, according to the testimony, unpredictably violent man, is also under arrest for shooting his wife, the mother of their eight children. He was brought to the court in handcuffs each day by three United States marshals.

Marshals, agents of the Federal Bureau of Investigation who had served as witnesses in the trials, and Athens city policemen, more than a dozen in all, stood in the courtroom as the verdicts were announced.

Before Judge Bottle sentenced Sims and Myers in the modern, air-conditioned Post Office and Federal Court building, he asked the defendants and their lawyer if they had "anything to say in mitigation of the sentences."

Meyers had no comment but Sims said, "Your honor, I would appreciate leniency."

Mr. Hudson repeated a contention he had frequently made during the two trials, that the defendants "though had a cause—they were to help."

Mr. Hudson's defense five Klansmen for wh served as court-appoint torney — Lackey had rate appointed counsel been that "these country were "merely trying to p law and order in Athe discouraging outsiders joining in the city's demonstrations in 1964 h Negroes.

The Government sou show that the six defe all members of the Klavern "security patrol carried out a month-long of "acts of terrorism" Negroes here that culmin the almost casual shoot Mr. Penn.

The Washington Post and
Times Herald
The Washington Daily News
The Washington Evening Sta
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World
Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

Public

44-25973-
NOT RECORDED
184 JUL 19 1966
JUL 10 1966

50 JUL 20

Conspiracy—a "partnership in crime" by the six defendants, the Government called it—was the difficult case the Justice Department had to prove here. But United States Attorney Floyd M. Buford, who was prosecutor in both trials, repeatedly emphasized to the jury that the murder of Mr. Penn was the crucial issue.

The only previous successful Federal prosecution under Section 241 of Title 18 of the United States Code was of the accused killers of Mrs. Viola G. Liuzzo, who was shot to death in her car in Lowndes County, Ala., in March of 1964 following the Selma-to-Montgomery freedom march.

In that case, the United States obtained conspiracy convictions against Collie LeRoy Wilkins, William O. Eaton and Eugene Thomas, three Alabama Klansmen. Two of them are awaiting action on their appeals. Mr. Eaton recently died of a heart attack.

Jusice Department attorneys here pointed out, however, that the prosecution in the Liuzzo case had presented far fewer obstacles. In that case, Federal jurisdiction over the defendants was made clear because the Selma-Montgomery march was then under the protection of a sweeping Federal court injunction against interference or violence.

In the trials here, under a Supreme Court ruling of last March, the Government had to show that the Klansmen had conspired to intimidate Negroes in interstate commerce — those traveling from state to state.

## 2 Klansmen Sentenced in Georgia

United Press International
Joseph Howard Sims

Associated Press
Cecil William Myers

FD-340 (Rev. 7-16-62)

(Mount Clipping in Space Below)

# Sims, Myers Given 10 Years in Prison

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1.
The Atlanta Journal and Constitution, Atlanta, Georgia
Date: 7/10/66
Edition: Final
Author: Raleigh Bryans
Editor: Luther McAllister
Title: PENVIC

Character: RM
or
Classification: 157-788
Submitting Office: Atlanta

☒ Being Investigated

44-25873-A
NOT RECORDED
184 JUL 22 1966

57 JUL 25 1966 44-25873
303

# 4 Others Acquitted In Penn Rights Case

By RALEIGH BRYANS
Atlanta Journal-Constitution Staff Writer

ATHENS, Ga., July 9—Joseph Howard Sims and Cecil William Myers, two klansmen once acquitted of the murder of Negro educator Lemuel Penn, were sentenced Saturday to serve 10-year terms in federal prison for conspiring to violate the civil rights of Negroes.

Sims, 43, and Myers, 26, appeared before District Judge William A. Bootle at 9 a.m. Saturday in the federal courtroom here to be sentenced.

Their defense lawyer, Jim Hudson of Athens, immediately filed notice he will appeal the convictions, which resulted from the verdict rendered in the first of two conspiracy trials conducted here last week and this.

Four codefendants under the same original indictment won acquittals in the two trials. They are James Spurgeon Lackey, 30; Herbert Guest, 39; Denver Willis Phillips, 26, and George Hampton Turner, 34.

All of these except Guest went free Saturday. Judge Bootle sentenced Guest Saturday morning to serve 24 months in federal prison on an unrelated four-count charge involving the illegal sale of "pep pills."

GUEST HAD pleaded guilty to that charge before the current trial got under way. Judge Bootle fixed bonds for both Sims and Myers at $35,000, but Sims already was in custody of Clarke County law enforcement officers and will remain so pending disposition of a charge that he shot and wounded his estranged wife earlier this year.

Myers has been free on a $25,000 bond, and Sims was until arrested on the county charge. Judge Bootle boosted the bonds of the two to $35,000 at the request of District Attorney Floyd M. Buford, who argued that

Turn to page 12, Column 4

JOSEPH SIMS

CECIL MYERS

circumstances justified a substantially higher bond.

It could not be learned if Myers expected to make the higher bond.

Sims and Myers wore expressionless faces as they were ushered out of the courtroom after their sentencing. Spectators, including some relatives and friends of the two men, remained quiet but had been admonished to do so beforehand by Judge Bootle.

THE MURDER of Penn by night riders during the predawn hours of July 11, 1964, figured importantly in the trials of Sims and Myers and their four codefendants, even though the charge in these trials was conspiracy—not murder.

The government contended that Penn's slaying was one of the conspiratorial acts perpetuated as a result of the conspiracy or "partnership in crime" entered into by the six men, all of whom were identified as members of the local klavern of the Ku Klux Klan at the time.

Because this was so, both trials saw the government present evidence and testimony attempting to prove that the defendants—and Sims and Myers in particular—plotted and/or carried out the slaying of Penn.

Sims and Myers had won acquittal on the state charge involving the slaying of Penn in September, 1964. They were tried in Madison County, since Penn was slain on a lonely stretch of Ga. 172, which lies in that county.

Penn was director of vocational high schools in Washington, D.C., and was a lieutenant colonel in the Army Reserves. He had been at Ft. Benning for a field officers refresher course. He and two other Negro reserve officers, Charles Brown and John Howard, were en route home, with Penn at the wheel of Brown's car when they were overtaken by assailants unknown to them and fired upon with shotguns just as their car approached the Broad River, roughly 24 miles north of Athens.

AS THE SHOOTING has been reconstructed in testimony and evidence, it was the second of two shotgun blasts which killed Penn. It was the government's contention here, as it was the state prosecutor's in Madison County, that Sims and Myers were the men who fired the two shots.

Part of the basis for this contention was a confession in which James Lackey told FBI agents early in August, 1964, that it was he who drove the car from which Sims and Myers took their shots at the vehicle bearing the three Washington Negroes.

Lackey long ago repudiated his confession. However, it was introduced as state evidence in the murder trial at Danielsville, and it was introduced again this week in the conspiracy trial which involved Lackey here. It did not, on the other hand, get before the jury which convicted Sims and Myers.

The second of the two back-to-back trials ended at 11 p.m. Friday when the jury after something like five hours, 15 minutes of troubled deliberations, rendered the verdict which acquitted Lackey, Guest and Phillips.

PROMPTLY AFTER that, Court Clerk John P. Cowart, on Judge Bootle's order, read the verdict which had been rendered last Saturday morning by the previous jury. This verdict had been kept sealed so that knowledge of it couldn't influence what the jurors in the second trial did.

This verdict is the one that declared Sims and Myers guilty and acquitted Hampton Turner.

The district attorney was visibly upset—angered might be the word—by the aggregate result of the two verdicts. He had maintained to both juries that the six defendants were equally guilty of the general conspiracy charge, though not every one of them was accused of participating in each of the acts of violence or intimidation alleged by the government.

Mr. Buford's disappointment appeared to derive from the verdict rendered by the second of the two juries. But his only comment was, "I performed my duty and I assume the jury performed its duty."

BY CONTRAST, Mr. Hudson, as counsel for Sims, Myers, Phillips, Guest and Turner, and Robert Thompson of Gainesville, and Nick Chilivis of Athens, as the court appointed lawyers representing Lackey, reacted with the air of men who may have felt they fared better than they dared hope.

The defendants, most of whom had members of their families on hand in the courtroom, reacted predictably as soon as they were permitted to. This time, too, Judge Bootle had ruled out any demonstrations of outcries until proceedings of the court were entirely at an end.

Turner grinned broadly and said, "It (the verdict) was fine, just fine." Lackey, holding his 7-year-old daughter Martha Sue in his arms, pumped Mr. Hudson's hand by way of thanking him and told newsmen, "I'm just real happy." His reaction obviously was shared by Phillips and Guest.

Myers and Sims, on the other hand, avoided displays of emotion as strenuously as they avoided contact with newsmen. Myers has displayed hostility toward newsmen during the course of the trial. He struck a television cameraman one day.

ONLY TO AN Athens student newspaperman whom he knows did he say anything. This was that "it isn't over yet." In the excitement, Mrs. Paul Strickland, who is Hampton Turner's sister, suffered a collapse in the courtroom. Turner's ex-wife, Mrs. Goldie Cochran, said Mrs. Strickland suffers from a heart ailment. After treatment Mrs. Strickland left, appearing to feel all right.

At the sentencing Saturday morning, Mr. Hudson entered a plea for clemency on behalf of Sims and Myers and the two men were given an opportunity to speak in their own behalf. Myers said nothing, but when Judge Bootle asked Sims if he wished to say anything, Sims replied "Nothing except I would appreciate any leniency on your part, your honor."

The maximum sentence possible for either man was 10 years in prison and or a fine of $5,000. Judge Bootle chose the maximum term but meted out no fines.

MR. HUDSON told Judge Bootle at this point that Sims and Myers had advised him they desired to make an appeal but he said, "They also advised me they don't have any money." He told Judge Bootle he would be willing to continue as their attorney on appointment of the court.

Judge Bootle said in effect this would mean they must plead poverty and the two men did this as notice of appeal was filed with the court. The district attorney made no objection. He said he understood that Sims "has done very little work in the past two years and his wife is having to work to support seven or eight children." He said he understood Myers is a carpenter by trade and also has a number of children to support.

0-28 (Rev. 1-28-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-59
(RACIAL)

ATHENS, GA.--IN A SURPRISE MOVE, LAWYERS FOR THREE KU KLUX KLANSMEN CHARGED IN CONNECTION WITH THE SHOTGUN KILLING OF NEGRO LEMUEL PENN RESTED THEIR CASE WITHOUT OFFERING ANY WITNESSES TODAY AND THE TRIAL HEADED FOR THE ALL-WHITE 12-MAN JURY.

THE GOVERNMENT ANNOUNCED IT HAD FINISHED ITS CASE AFTER PRESENTING ITS 32ND WITNESS, AND DEFENSE LAWYERS JAMES HUDSON AND ROBERT THOMPSON IMMEDIATELY ANNOUNCED THEY HAD NO WITNESSES AND RESTED THEIR CASE.

THE DEFENSE LAWYERS ASKED JUDGE WILLIAM A. BOOTLE FOR A DIRECTED VERDICT OF ACQUITTAL, BUT BOOTLE DENIED THE MOTION.

THE TRIAL WAS EXPECTED TO GO TO THE JURY IN LATE MORNING OR EARLY AFTERNOON AFTER REBUTTAL TESTIMONY, CLOSING ARGUMENTS AND THE JUDGE'S CHARGE TO THE JURORS.

THE FINAL GOVERNMENT WITNESS WAS FBI AGENT WILLIAM WATREY WHO TESTIFIED ONE OF THE DEFENDANTS, HERBERT GUEST, 29, KEPT A VIRTUAL ARSENAL AT HIS ATHENS GARAGE. WATREY TESTIFIED THAT GUEST, A THE REQUEST OF FBI AGENTS, SURRENDERED FIVE SHOTGUNS. HUDSON IN CROSS EXAMINATION SAID GUEST WAS A GUN FANCIER BUT WATREY SAID HE DID NOT KNOW THAT.

7/8--GE1143A

44-25873-1

NOT RECORDED
184 JUL 14 1966

File

44-25873

353
5 JUL 15 1966

WASHINGTON CAPITAL NEWS SERVICE

6-18 (Rev. 5-4-66)

# Penn-Case Confession Admitted to Evidence

By Charles S. Taylor Jr.

ATHENS, Ga., July 7 (UPI) The defense lost a major legal battle today when a Federal judge admitted to evidence an alleged confession by one of three Ku Klux Klansmen on trial in the nightrider slaying of Negro educator Lemuel Penn.

U.S. District Judge William A. Bootle, held that "no reward was offered and no promise of a reward was held out" to 30-year-old defendant James S. Lackey for the alleged confession.

Bootle ruled that the defendant had made the statement to the FBI "freely and voluntarily"—points disputed by the defense, which fought bitterly to keep the statement out of the record.

Then, over further defense objections, the Government also read into the record a corroborating statement allegedly made by garage owner Herbert Guest, also a Klansman. Guest was quoted as saying he overheard two of the defendants say they thought the car in which Penn was killed had "gone into the river."

"This was the first idea I had that they had shot Penn," Guest reportedly said.

The essence of Lackey's statement was that he was at the wheel of a car July 11, 1964 when fellow Klansmen Joseph Howard Sims and Cecil Myers fired shotgun blasts in Penn's car. Sims, Myers and George Turner were tried last week in the Penn case, but the verdict in that trial was ordered sealed until a decision is reached in the present case.

Lackey's co-defendants are Denver Willis Phillips, 26, and Herbert Guest, 29.

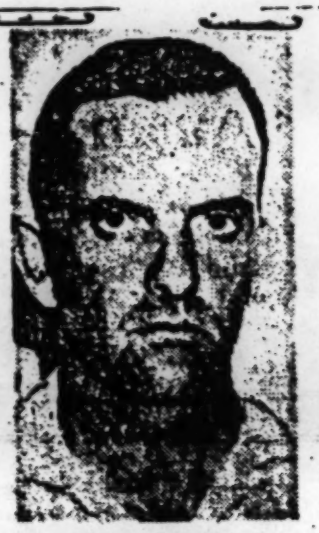
All six defendants in the two trials are charged with conspiring to deprive Negroes — including Penn — of their civil rights.

In the statement that was read to the jury, Lackey told of how he and his friends spotted the D.C. license plates on Penn's car as the Negro drove through Athens.

"That must be some of President Johnson's boys," Lackey quoted Sims as saying.

Lackey said he pulled even with Penn's car outside of town and that both Sims and Myers opened fire.

The alleged confession was eight pages long and written in longhand. Federal attorneys made no attempt to get the statement into the record of Sims's and Myers's trial.



JAMES LACKEY
...alleged driver

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

The Washington Post and Times Herald A-6
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

44-25813-A
NOT RECORDED
184 JUL 14 1966

JUL 8 1966

55 JUL 15 1966

0-10 (Rev. 5-4-66)

# NEGRO'S MURDER LAID TO 2 IN KLAN

## Two Confessions Provide Details of Penn's Slaying

C-16

ATHENS, Ga., July 7 (UPI) — The Federal Government introduced a surprise concession today in the trial of three members of the Ku Klux Klan charged in the slaying of Lemuel A. Penn, a Negro educator.

The confession by Herbert Guest, 29 years old, closely corroborated another confession by another defendant, James S. Lackey, 30.

Guest's confession, read from the witness stand by Arthur Hamilton, an agent of the Federal Bureau of Investigation, said that Mr. Penn was slain by shotgun blasts fired from a car occupied by Mr. Lackey, Cecil Myers and Joseph Howard Sims.

The confession by Guest, according to F.B.I. agents, was made on Aug. 6, the same day that Lackey allegedly made a similar confession to other agents. A defense move to keep Guest's confession out of evidence was overruled by Federal District Court Judge William A. Bootle.

In his confession, Guest said that Myers, Lackey and Sims left his garage in Athens in the early morning hours of July 11, 1964, about the time Mr. Penn was slain. He said he did not see them again until 5:30 A.M.

The essence of Lackey's statement was that he was at the wheel of a car on July 11, 1964, when two fellow Klansmen, Joseph Howard Sims and Cecil Myers, fired shotgun blasts into Mr. Penn's car. Sims, Myers and George H. Turner were tried last week in the case, but the verdict was ordered sealed until a decision is reached in the present case.

Lackey's co-defendants are Denver Willis Phillips, 26, and Herbert Guest, 29.

### Face 10 Years in Prison

All six defendants in the two trials are charged with conspiring to deprive Negroes — including Mr. Penn — of their civil rights. If convicted, each could be sentenced to a maximum of 10 years in jail and fined $5,000.

Mr. Penn, a colonel in the Army Reserve, was on his way home to Washington with two Negro companions when the attack occurred. The three men had been undergoing summer training at Fort Benning, Ga.

In the statement that was read to the jury, Lackey told of how he and his friends had spotted the District of Columbia license plates on Mr. Penn's car as the Negro drove through Athens.

"That must be some of President Johnson's boys," Lackey quoted Sims as saying.

At Sims's urgings, Lackey said in the statement, he started pursuing the Penn auto. He said he had asked Sims what he intended to do and had been told:

"I'm going to kill me a nigger."

Lackey said he had pulled even with Mr. Penn's car outside of town and that both Sims and Myers had opened fire.

### Sims and Myers Iimplicated

Lackey's statement said that after the shooting he and his companions had returned to an auto repair garage operated by Guest in Athens. He said that Sims and Myers had cleaned their guns there.

Lackey said that Guest had asked Sims what they had done, and he quoted Sims as saying:

"We shot one, but we don't know if we killed him or not."

Lackey said in his statement:

"I had no idea that they would shoot the Negro. I was very surprised when two shots were fired.

"I said to myself, 'Those ——— killed a man.'"

The alleged confession was eight pages long and written in longhand.

Federal attorneys made no attempt to get the statement into the record of the trial of Sims and Myers.

44-35943-A

NOT RECORDED

184 JUL 14 1966

TOP CLIPPING
DATED 7-8-66
FROM WASH CAPITAN NEWS SERVICE
MARKED FILE AND INITIALED

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times C-1
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 8 1966

253

55 JUL 15 1966

0-20 (Rev. 1-26-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

JPI-163
(RACIAL)

ATHENS, GA.--THE FEDERAL GOVERNMENT INTRODUCED A SURPRISE CONFESSION TODAY IN THE TRIAL OF THREE KU KLUX KLANSMEN CHARGED IN THE NIGHTRIDER SLAYING OF NEGRO EDUCATOR LEMUEL PENN.

THE CONFESSION WAS BY KLANSMAN HERBERT GUEST AND CLOSELY CORROBRATED ANOTHER CONFESSION BY ANOTHER KLANSMAN, JAMES S. LACKEY.

GUEST'S CONFESSION, READ FROM THE WITNESS STAND BY FBI AGENT ARTHUR HAMILTON, SAID THAT PENN WAS SLAIN BY SHOTGUN BLASTS FIRED FROM A CAR OCCUPIED BY KLANSMEN JAMES LACKEY, CECIL MYERS AND HOWARD SIMS.

THE CONFESSION BY GUEST, ACCORDING TO FBI AGENTS, WAS MADE ON AUG. 6, THE SAME DAY THAT LACKEY ALLEGEDLY MADE A SIMILAR CONFESSION TO OTHER FBI AGENTS.

-0-

GARY, IND.--DR. MARTIN LUTHER KING SAID TODAY THAT "BLACK SUPREMACY IS AS EVIL AS WHITE SUPREMACY."

"THERE IS A LOT OF TALK AROUND NOW SAYING, IN A MISGUIDED SENSE, THAT THE NEGRO MUST SOLVE HIS PROBLEM BY HIMSELF," KING SAID. "I DON'T BELIEVE THAT. THERE MUST BE AN EMPATHY WITH WHITES WHO HAVE ESCAPED THE GHETTO."

KING, WHO HAS OPPOSED THE CURRENT CALLS FOR "BLACK POWER" IN THE CIVIL RIGHTS MOVEMENT, SPOKE TO ABOUT 350 PERSONS, MANY OF THEM MEMBERS OF CLERGY IN THE GARY AREA, AT A BAPTIST CHURCH.

HE URGED ATTENDANCE AT A "FREEDOM RALLY" HE HAS CALLED SUNDAY IN CHICAGO'S SOLDIER FIELD.

-0-

LOUISVILLE, KY.--THE NAACP PLANNED TODAY TO APPEAL A KENTUCKY JUDGE'S DECISION DENYING CUSTODY OF FIVE CHILDREN TO THEIR MOTHER, A WHITE WOMAN WHO MARRIED A NEGRO.

JEFFERSON COUNTY CIRCUIT JUDGE LYNDON SCHMID SAID YESTERDAY IT WAS IN THE "BEST INTERESTS" TO AWARD THE FIVE CHILDREN TO THEIR FATHER, GEORGE EILERS OF LOUISVILLE.

HIS FORMER WIFE, MRS. ANNA EILERS ANDERSON OF INDIANAPOLIS, IND., WAS REPRESENTED BY THE NAACP'S LEGAL DEFENSE FUND.

7/7--JD7PED

TOP CLIPPING 253
DATED 7-8-66
FROM Wash. Post & Times Herald
RECORDED FILE AND INDEX
JUL 10 1966

WASHINGTON CAPITAL NEWS SERVICE

44-23873-A
NOT RECORDED
184 JUL 14 1966

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Lashing, Shooting Told at Klan Trial

By MARION GAINES
Constitution Staff Writer

ATHENS, Ga.—The midnight beating of a Negro fish house worker and the shotgun blinding of another Negro were told in testimony Tuesday as the trial of three Ku Klux Klansmen opened in federal court.

On trial are James Lackey, 39, Herbert Guest, 39, and Denver Phillips, 26, all of Athens.

They are charged in a federal indictment as being co-conspirators with three other Athens klansmen to violate the civil rights of Negroes.

A PARTNERSHIP

The other trio—Howard Sims, Cecil Myers and Hampton Turner—were tried in U.S. District Court last week on the same charge. The verdicts in their case were ordered kept sealed by Federal Judge William A. Bootle and will not be announced until the second trial ends.

U.S. Dist. Atty. Floyd Buford told the jury of 13 men and one woman that the government will try to prove all six klansmen "entered partnership in crime" to oppress Negroes.

He said the government's evidence "will show who participated in the murder" of Negro educator Lemuel Penn who was shot to death by night riders in nearby Madison County July 11, 1964.

NOT A CRIME

Defense attorney Jim Hudson, who is representing Phillips and Guest, stressed that the defendants are not on trial for murder, assault and battery or carrying weapons.

Being prejudiced against Negroes "is not a crime," Hudson told the jury.

As he did in the first trial last week, Buford began parading witnesses to the stand in an effort to prove the defendants were part of "a broad conspiracy" to intimidate Negroes.

DEPRIVE OF RIGHTS

The defendants are specifically charged in the U.S. indictment with conspiring to deprive Negroes of their right to equal

Continued on Page 8, Column 4

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Wick
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1.
The Atlanta Constitution, Atlanta, Georgia
Date: 7/6/66
Edition: Morning
Author: Marion Gaines
Editor: Eugene Patterso
Title: PENVIC

Character: RM
or
Classification: 157-788
Submitting Office: Atlanta

Being Investigated

44-25873
NOT RECORDED
184 JUL 22 1966

44-25873
57 JUL 25 1966

use of interstate commerce facilities and highways.

James (Preacher) Potts, a Negro who said he was employed at a fish house and also used to work at Guest's garage, testified he was given a midnight lashing by some 18 robed and hooded klansmen at a local auditorium.

He said he was instructed by Guest, then his employer, to go there to help start a stalled car.

Potts said he was lashed about 18 times with a three-inch-wide strap and that when he returned to the garage Guest asked him if he didn't "want a pillow" to sit on.

John Clink, another Athens Negro, testified he was blinded in the right eye by buckshot during a shooting incident in the Broad Acres Negro housing project.

The buckshot came from a 1958 white Cadillac occupied by white men, Lorenzo Ward, Negro, told the jury.

Ward said he went with police to Guest's garage where police arrested Guest, Sims and Paul Strickland in their investigation of the shooting.

Attorney Hudson, in his cross examination, sought to show that the government witnesses could not be certain of their identification of any of the defendants in any of the incidents.

Athens policeman Carlton Pharr testified he was certain that it was Sims involved in another incident relating to an elderly Negro couple in a car with New Jersey tags asking him directions to Atlanta.

Another officer said Sims and Myers both came up wearing pistols.

Pharr quoted Sims as telling the Negro couple to "get your black ass back up there where you came from."

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Clash Opens 2nd Trial

## Athens Policing Tops, Penn Case Jury Hears

By RALEIGH BRYANS
Atlanta Journal Staff Writer

ATHENS, Ga., July 5—A defense attorney and the federal prosecutor clashed briefly Tuesday over the former's charge of federal involvement in a Ku Klux Klan investigation here reflected on the quality of local police.

Dist. Atty. Floyd M. Buford interrupted sharply when defense attorney Robert Thompson said the federal government got involved because they apparently didn't think the local authorities were capable of doing the job."

Mr. Thompson is court-appointed attorney for James Spurgeon Lackey, 30, one of three additional klansmen being tried on federal civil rights conspiracy charges.

"I think that's an improper opening statement to the jury," Mr. Buford interjected.

He heatedly told the jury the federal government isn't "condemning any local law enforcement officers." And he added the government thinks Athens has the finest police officers in the country.

BOTH THE prosecution and the defense outlined their cases to the jury promptly after 12 men and one woman were selected from a panel of 35 veniremen.

The district attorney outlined a case essentially like the one made last week in the trial of three codefendants, but promised the evidence will differ in this trial.

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Wick
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 2.

The Atlanta Journal
Atlanta, Georgia
Date: 7/5/66
Edition: Final
Author: Raleigh Bryans
Editor: Jack Spalding
Title: PENVIC

Character: RM
or
Classification: 157-788
Submitting Office: Atlanta

☒ Being Investigated

44-25813-A
NOT RECORDED
184 JUL 22 1966

57 JUL 25 1966

44-25873

overnment is trying six
ts in back-to-back trials
charge that they con-
o deprive Negroes of
il rights and particu-
right to engage freely
into and out of Geor-
terstate commerce.
r defense attorney, Jim
ridiculed the govern-
fforts to prove interfer-
th interstate commerce.
'll never show that," he

udson is defending Her-
st, 39, and Denver Wil-
ps, 26. He defended Jo-
ward Sims, 43; Cecil
Myers, 26, and George
Turner, 34, in the trial
k.

VERDICT reached by
in that first trial was
order of district judge
A. Bootle and will not
aled until the present
oncluded.
overnment is alleging
of incidents in which
nore of the six defend-
d violence in a "broad
acy" to intimidate Ne-

was the night-rider slay-
Negro educator Lemuel
e night of July 11, 1964.
d Myers, two of the men
st week, were acquitted
of state charges that
urdered Penn. Lackey,
trial, once gave the fed-
ents a statement impli-
himself, Sims, and Myers
laying, but he repudiated
ring the state murder

district attorney again
uesday that government
e will tie some of the
nts to Penn's slaying.
used Mr. Hudson to cau-
jury that the defendants
cing tried for conspiracy,
murder.

"There's not one scintilla of evidence whatsoever that these three men had anything to do with the murder of Lemuel Penn," Mr. Hudson said.

He said the government may prove the defendants were guilty of some "mean things," but he added, "you're not here to convict them of being mean men."

Mr. Thompson told the jury that the defendants may have "engaged in some activities that perhaps you and I wouldn't approve of." But he told the jury the purpose was "perhaps to attempt to preserve some traditions of our Southland."

IT WAS at this point that Mr. Thompson made the statement alleging that the federal government moved in because of a distrust of the caliber of local law enforcement officials.

The 14 jurors include 12 regular jurors and two alternates. In the previous trial both alternates were pressed into service as regular jurors because two regular jurors had to be excused.

The spectators in the courtroom Tuesday morning included Lackey's wife, his seven-year-old daughter Martha Sue, and his parents, Mr. and Mrs. L. D. Lackey, of Rte. 1, Alto.

Lackey was coatless and wore a pink sport shirt and blue wash trousers. Guest wore a coat and tie and Phillips was coatless but wore a tie.

FBI-302 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Clash Opens 2nd Trial

## Athens Policing Tops, Penn Case Jury Hears

By RALEIGH BRYANS
Atlanta Journal Staff Writer

ATHENS, Ga., July 5—A defense attorney and the federal prosecutor clashed briefly Tuesday over the former's charge that federal involvement in a Ku Klux Klan investigation here reflected on the quality of local police.

Dist. Atty. Floyd M. Buford interrupted sharply when defense attorney Robert Thompson said the federal government "got involved because they apparently didn't think the local authorities were capable of doing the job."

Mr. Thompson is court-appointed attorney for James Spurgeon Lackey, 30, one of three additional klansmen being tried on federal civil rights conspiracy charges.

"I think that's an improper opening statement to the jury," Mr. Buford interjected.

He heatedly told the jury the federal government isn't "condemning any local law enforcement officers." And he added the government thinks Athens has the finest police officers in the country.

BOTH THE prosecution and the defense outlined their cases to the jury promptly after 13 men and one woman were selected from a panel of 35 veniremen.

The district attorney outlined a case essentially like the one made last week in the trial of three codefendants, but promised the evidence will differ in this trial.

(Indicate page, name of newspaper, city and state.)

Page 2.

The Atlanta Journal
Atlanta, Georgia

Date: 7/5/66
Edition: Final
Author: Raleigh Bryans
Editor: Jack Spalding
Title: PENVIC

Character: RM
or
Classification: 157-788
Submitting Office: Atlanta.

Being Investigated

The government is trying six defendants in back-to-back trials on the charge that they conspired to deprive Negroes of their civil rights and particularly the right to engage freely in travel into and out of Georgia, or interstate commerce.

Another defense attorney, Jim Hudson, ridiculed the government's efforts to prove interference with interstate commerce.

"They'll never show that," he said.

Mr. Hudson is defending Herbert Guest, 39, and Denver Willis Phillips, 26. He defended Joseph Howard Sims, 43; Cecil William Myers, 26, and George Hampton Turner, 34, in the trial last week.

THE VERDICT reached by the jury in that first trial was sealed on order of district judge William A. Bootle and will not be revealed until the present trial is concluded.

The government is alleging a series of incidents in which one or more of the six defendants used violence in a "broad conspiracy" to intimidate Negroes.

One was the night-rider slaying of Negro educator Lemuel Penn the night of July 11, 1964. Sims and Myers, two of the men tried last week, were acquitted in 1964 of state charges that they murdered Penn. Lackey, now on trial, once gave the federal agents a statement implicating himself, Sims, and Myers in the slaying, but he repudiated this during the state murder trial.

The district attorney again said Tuesday that government evidence will tie some of the defendants to Penn's slaying. This caused Mr. Hudson to caution the jury that the defendants were being tried for conspiracy, not for murder.

"There's not one scintilla of evidence whatsoever that these three men had anything to do with the murder of Lemuel Penn," Mr. Hudson said.

He said the government may prove the defendants were guilty of some "mean things," but he added, "you're not here to convict them of being mean men."

Mr. Thompson told the jury that the defendants may have "engaged in some activities that perhaps you and I wouldn't approve of." But he told the jury the purpose was "perhaps to attempt to preserve some traditions of our Southland."

IT WAS at this point that Mr. Thompson made the statement alleging that the federal government moved in because of a distrust of the caliber of local law enforcement officials.

The 14 jurors include 12 regular jurors and two alternates. In the previous trial both alternates were pressed into service as regular jurors because two regular jurors had to be excused.

The spectators in the courtroom Tuesday morning included Lackey's wife, his seven-year-old daughter Martha Sue, and his parents, Mr. and Mrs. L. D. Lackey, of Rte. 1, Alto.

Lackey was coatless and wore a pink sport shirt and blue wash trousers. Guest wore a coat and tie and Phillips was coatless but wore a tie.

6-18 (Rev. 5-6-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Kluxer Heard Of Chase Night Penn Was Shot

Athens, June 30 (UPI) — A huge Ku Klux Klansman told a hushed Federal Court jury today he was advised that three fellow klansmen were "chasing a car of Negroes with D.C. tags on it" the night Washington Negro educator Lemuel Penn was shot to death.

Two of those he named were defendants and the third is to be tried later on federal charges connected with Penn's death.

The prosecutor of three klansmen on conspiracy charges brought courtroom spectators to excited attention with the surprise testimony of Tom (Big Tom) Stevens. Then the government rested its case.

**Fumbles for His Card**

The bushy-haired Stevens fumbled in his billfold and produced a klan membership card after much prodding by U.S. District Attorney Floyd Buford, who was battling to send klasmen Joseph Howard Sims, 42; Cecil Myers, 26, and George Turner, 34, to prison for 10 years. Three other men are awaiting trial.

Buford tried to prove that the defendatns were part of a conspiracy to keep out-of-state Negroes from the Athens area. The city had been seething with racial unrest leading up to the July 11, 1964, killing of Penn.

**"Left for the Chase"**

Stevens said he was at the garage owned by klansman Herbert Guest the night of the Penn killing and was told by Guest that Myers, Sims and another klansman, James S. Lackey, had just left to chase a car of Negroes and had taken guns.

The klansman witness also said that either Sims and Myers mentioned to him that "the timing was off in shooting the car." He said he could not remember which man made the remarks.

44-25873-A
NOT RECORDED
184 JUL 8 1966

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star 48
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World
Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

54 JUL 11 1966 23

Bufile — 44-25873

JUL 1 1966

6-19 (Rev. 5-4-66)

# WITNESS LINKS 2 TO PENN SLAYING

## Trial of 3 on Rights Charges Nears Close in Georgia

By BEN A. FRANKLIN
Special to The New York Times

ATHENS, Ga., June 30—The Justice Department produced a surprise witness today as the conspiracy trial of three Georgia Ku Klux Klansmen neared a close.

The three men are accused of intimidating Negroes with shotguns and pistols. The testimony by the surprise witness linked two of the defendants to the shotgun slaying of Lemuel A. Penn, a Negro educator killed on a lonely Georgia road near here on July 11, 1964.

The Government then rested its case.

The witness was Thomas Stephens, an Atlanta truck driver and a former member of the Klan's Clarke County Klavern 244 in Athens.

He testified in United States District Court that the two defendants, Cecil William Myers, 28 years old, and Joseph Howard Sims, 43, had told him after the shooting of Mr. Penn that "they miscalculated on the timing of the shots" and "the timing was off on the shooting."

The third defendant, George Hampton Turner 32, has not been linked to the Penn slaying.

### Testimony Pursued

"What did they mean, they miscalculated?" asked United States Attorney Floyd M. Buford. He is prosecuting the case before an all-white jury with the help of three Justice Department attorneys from Washington, led by St. John Barrett, the second assistant in charge of the department's Civil Rights Division.

"They said the [Penn] car went onto the bridge instead of into the river," Mr. Stephens replied.

He also testified that "I heard one of them say he'd tried to get the other one not to kill the nigger, but I don't remember which one."

The burly, 6-foot-tall witness, known as "Big Tom," also testified to a conversation with Herbert Guest, one of three other Klan defendants to be tried here on the same charges as soon as this case is closed.

Mr. Stephens said Mr. Guest told him early on the morning of July 11, 1964, that Mr. Sims, Mr. Myers and James S. Lackey, 30, had left Mr. Guest's Athens garage "chasing a nigger car with D.C. tags on it."

Mr. Guest, Mr. Lackey and Denver Willis Phillips, identified as members of the Klan "security patrol" here, are to have a separate trial on identical Federal conspiracy charges, probably starting Saturday.

### Slaying Recalled

Mr. Penn, 49 years old, was an assistant superintendent of education in the District of Columbia public school system. An Army Reserve lieutenant colonel, he was returning from active duty at Fort Benning, Ga., to his home in Washington when nightriders overtook his car on State Highway 72 near Colbert, Ga., on the approach to a bridge across the Broad River.

He died instantly when struck by shotgun pellets fired from the passing automobile. Two passengers escaped injury.

Mr. Myers and Mr. Sims were acquitted of the murder of Mr. Penn in a state court on Sept. 4, 1964. Subsequently they, along with Mr. Turner, Mr. Guest, Mr. Lackey and Mr. Phillips, were indicted by a Federal grand jury under a law passed in 1870 that makes it a felony to intimidate or use violence against any person to deny him his civil rights.

The Federal prosecutors here have concentrated since the trial began Tuesday on testimony designed to show an accelerating pattern of anti-Negro violence by the Klan "security patrol." The Government contends that the violence came to a climax in the shooting of Mr. Penn.

William J. Hudson, a defense attorney, attempted today to establish an alibi for Mr. Sims and Mr. Myers in the Penn killing. He produced witnesses who placed them in an all-night restaurant in Athens at the time of the shooting.

53 JUL 11 1966

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

44-25873-A

NOT RECORDED
184 JUL 8 1966

The Washington Post and Times Herald
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times C-19
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

Bufile 44-25873 JUL 1 1966

6-18 (Rev. 5-4-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Georgia Klansman Guilty of Selling Pep Pills

ATHENS, Ga., June 7 (AP) — Herbert Guest, one of five Ku Klux Klansmen who will face federal conspiracy charges later this month, pleaded guilty today to a charge of selling illegal "pep pills."

Guest pleaded guilty to each of four counts after inspectors from the Food and Drug Administration testified that they purchased the pills from him while posing as students.

Judge W. A. Bootle said he would pass sentence later.

OPENVIC

44-25873-A
NOT RECORDED
56 JUN 14 1966

The Washington Post and Times Herald A-5
The Washington Daily News
The Washington Evening Star
New York Daily News
New York Herald Tribune
New York Post
The New York Times
New York World Journal
New York World Journal Tribune
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date JUN 8 1966

44-25873
57 JUN 15 1966

-19 (Rev. 1-26-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

Openvic

# 2 Sue Magazine For $900,000 Over Article on Klan

ATLANTA, Ga. (AP)—Libel suits seeking a total of $900,000 in damages from the Curtis Publishing Co. have been filed in U.S. District Court by two Athens businessmen.

J. Frank Phillips and Ralph Penland, partners in a refrigeration and air conditioning business, have charged that an article published in the June 19, 1965, issue of the Saturday Evening Post captioned "Murder: The Klan on Trial," tended to injure their reputations.

The Post story featured the shotgun-slaying of Lemuel Penn, a Negro educator from Washington, D.C., and alleged Klan activities in and about Athens in 1964.

The suits said the article contained a picture of a building bearing the sign "Phillips and Penland Refrigeration Service" and a caption reading: "The Klan's headquarters was on a main street in Athens, yet few people knew of its activities."

Phillips said "neither he nor his partner is or ever has been a member of the Kul Klux Klan, nor has the building in which their business is situated ever been used as a hall or headquarters by the Klan or any of its members."

ORIGINAL FILED IN 94-3-4-248-A-

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A-14
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25873-A-

NOT RECORDED
176 JUN 2 1966

MAY 31 1966

MAY 22 1966

RECEIVED-DIRECTOR

5 C JUN 7 1966

6-20 (Rev. 1-26-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

Penvic

UPI-111
(KLANSMAN)
ATHENS, GA.--JOSEPH HOWARD SIMS, A KU KLUX KLANSMAN ONCE IMPLICATED IN THE LEMUEL PENN RACIAL SLAYING, AND MORE RECENTLY CHARGED WITH TRYING TO KILL HIS ESTRANGED WIFE, TODAY WAS ORDERED COMMITTED TO THE STATE MENTAL HOSPITAL.
THE ORDER WAS HANDED DOWN BY A THREE-MAN COMMITTAL BOARD AT THE REQUEST OF SIMS' LAWYER, ACTING ON BEHALF OF THE FAMILY.
SIMS WAS DESCRIBED AS "BOTH SUICIDAL AND HOMICIDAL."
5/12--RH232PED

44-25873-A-
NOT RECORDED
176 MAY 16 1966

File
6-A17

44-25873

57 MAY 17 1966

WASHINGTON CAPITAL NEWS SERVICE

(Rev. 1-28-66)

# Klansman Surrenders In Shooting

ATHENS, Ga. (AP) — Ku Klux Klansman Joseph Howard Sims, who eluded law enforcement officers for more than 30 hours after shooting his 35-year-old wife in the head, was in jail here today on charges of assault with intent to murder.

Sims, who two years ago was acquitted of charges of murdering a Washington, D.C., educator, surrendered to Butts County Sheriff J. D. Polk yesterday and was returned to Athens.

FBI agent Joseph Ponder of Atlanta, who helped return Sims, 43, to Athens police, said a federal warrant charging Sims with unlawful flight to avoid prosecution had been dropped.

Sims had been the object of a northeast Georgia search since Thursday when police said he entered the maternity ward of Athens General Hospital and shot his estranged wife, then fled town in a car.

Mrs. Sims, a mother of eight who had been separated from her husband for about two weeks, is recovering at the hospital, where she worked as a nurse's aide. The bullet struck her in the cheek.

Sims surrendered to Polk near Jackson after a friend approached the sheriff and told him Sims was ready to give himself up.

Ponder said Sims gave no reason for giving himself up.

The husky machinist has been unemployed since his murder trial in 1964, when he was tried with another man in connection with the slaying of Lemuel Penn.

Penn was killed by a shotgun blast as he and two other Negroes drove on a highway 23 miles north of Athens.

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date MAY 7 1966

44-25873-17-

102 MAY 12 1966

50

55 MAY 16 1966

0-19 (Rev. 1-25-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Hunt for Kluxer Sims Is Joined by the FBI

Athens, Ga., May 6 (UPI)—Dozens of FBI agents today joined the manhunt for Ku Klux Klansman Joseph Howard Sims, wanted for the attempted murder of his estranged wife. She had been supporting him since he was cleared of the 1964 Lemuel Penn racial slaying.

Sims was believed armed with a high-powered rifle and pistols.

Mrs. Sims, 35, mother of eight, was shot in the face yesterday while working as a nurse's aid, in the nursery of the Athens General Hospital.

Sims, 43, who still faces federal charges in the Penn slaying, asked his wife to step outside the nursery and when she refused he opened fire despite the presence of a dozen new-born babies a few feet away. Sims raced down the stairs and escaped in a feded blue, 1948 automobile.

He was believed to be hiding out with klan cronies.

FBI agants joined the search when a federal warrant was sworn out charging Sims with unlawful flight to avoid prosecution. He is accused of assault with intent to commit murder.

Mrs. Sims, who never lost consciousness, was reported in fair condition.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25813-A-
NOT RECORDED
50 102 MAY 12 1966
55 MAY 16 1966

MAY 7 1966

# Kluxer Sims Gives Up in Shooting of Wife

ATHENS, Ga., May 7 (UPI) — Joseph H. Sims, an "extremely dangerous" Ku Klux Klansman sought by police and the FBI, used a friend as a go-between last night to quietly surrender for the shooting of his wife.

Police said Sims sent a friend to a rural sheriff's office at Jackson, Ga., to announce he would come out of hiding "ready to give himself up."

Sheriff J. D. Pope drove with the man to a cabin on Jackson Lake where he arrested Sims and brought him to Athens where he faced charges of assault with intent to murder his estranged wife.

PENN CASE

Sims, 43, who was acquitted in the nightrider slaying of Washington Negro educator Lemuel Penn on a north Georgia highway in 1964, appeared in good spirits when he alighted from a patrol car.

His wife, a mother of eight children, who worked as a nurse's aid to support her family, was shot in the face Thursday at the Athens General Hospital. She had separated from her unemployed husband about a week ago.

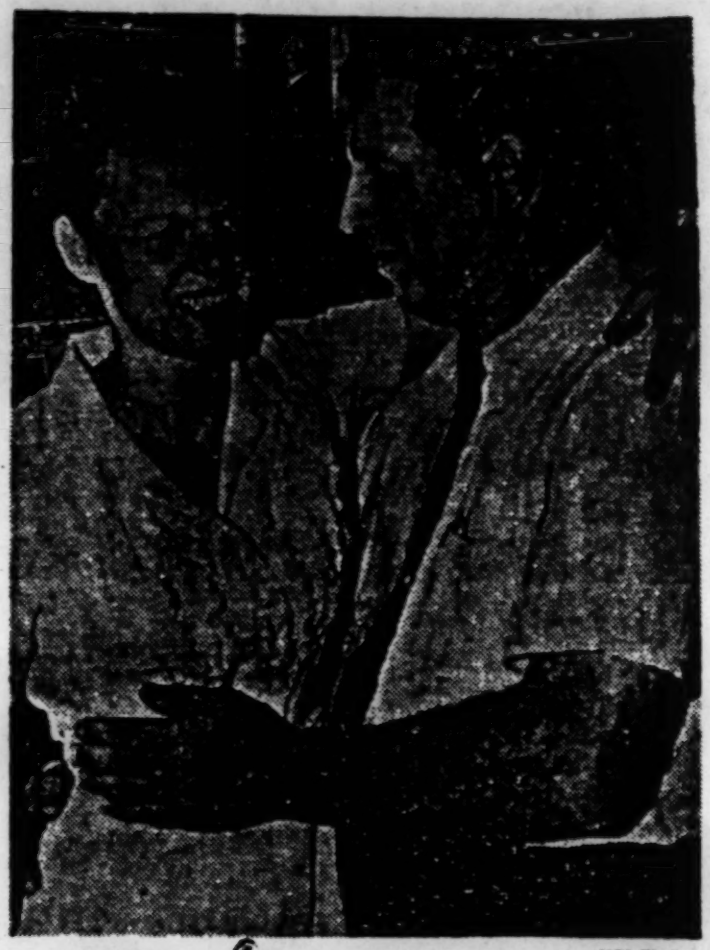
She was reported in fair condition and doctors indicated her face would not be badly scarred. Sims fled the hospital after the shooting and eluded a widespread dragnet. FBI agents joined the manhunt yesterday and officers kept close tabs on Sims' friends.

THE TRIAL

Sims and a fellow Klansman, Cecil W. Myers, were tried for murder in the killing of Mr. Penn, an Army reserve colonel who was driving to his Washington home from Ft. Benning, Ga. The jury freed the two men and they — along with four other Klansmen — were charged under an 1871 Federal statute with violating the civil rights of Negroes.

A Federal judge ruled the statute did not apply to the Penn slaying but his ruling was overturned by the 5th Circuit.

Sims faces an arraignment May 16 on the reinstated Federal conspiracy charge.



Joseph Howard Sims and his wife in a 1964 photo. —UPI Photo

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

The Washington Post and Times Herald
The Washington Daily News 2
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

MAY 7 1966

44-2587-D

44-2573-H

NOT RECORDED
50 102 MAY 12 1966

5 MAY 16 1966

0-19 (Rev. 1-28-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# U.S. to Seek Trial of 6 in Penn Killing

Federal court in Athens, Ga., will be asked May 20 to set a date for the trial of six white men indicted on federal conspiracy charges in the July, 1964 slaying of a Washington, D.C., Negro educator, Lemuel A. Penn.

U.S. Dist. Atty. Floyd M. Buford also said that one of the six, Herbert Guest, will be arraigned the same day on charges of selling pep pills, the Associated Press said.

Guest, of Athens, was arrested yesterday and charged with four counts of dispensing amphetamine sulphate tablets.

The Food and Drug Administration charged Guest sold the pep pills at his Athens garage on Dec. 17, Jan. 6 and twice on Jan. 18.

Guest waived a hearing before a U.S. Commissioner and was released in $2,500 bond. Maximum penalty on conviction is one year in prison, a $1,000 fine or both.

Buford said the court will be asked to set a date for the trial of Guest and five others on conspiracy charges growing out of the July 11, 1964, shotgun slaying of Penn about 23 miles northeast of Athens.

Penn, 49, was driving back to Washington after attending an Army Reserve training course at Ft. Benning, Ga.

The U.S. Supreme Court reversed a lower court decision on March 28 and cleared the way for the six to be tried on charges of conspiring to injure and oppress Negroes.

Penvic

Penvic

CR-6L

44-25873-A-

NOT RECORDED
176 APR 18 1966

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25873

APR 13 1966

0-19 (Rev. 1-26-66)

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

# Pursuit of Justice

A-14

The 1964 murder of three civil rights workers in Mississippi has gone unpunished. The suspects were never brought to trial. Nor has anyone been punished for the murder in Georgia that year of Lemuel Penn, a Washington school teacher who was driving home from a tour of duty as a Reserve officer at Fort Benning. Two alleged Klansmen were indicted and tried in a Georgia court for the Penn slaying, but the jury acquitted them.

The Department of Justice subsequently obtained indictments in each case under civil rights laws enacted during the reconstruction era. But Federal district judges in both Mississippi and Georgia, relying on a Supreme Court decision in 1951, dismissed the key sections of the indictments. This meant that no private citizens, as distinguished from state or local officials, could be prosecuted in either case.

This week the Supreme Court took another look at the murders and also at the 1951 decision. The justices held that the suspects in each case could be indicted and tried in Federal courts, not for murder, but for violation of the civil or constitutional rights of the victims. The effect is to reinstate the dismissed indictments and to clear the way for trials of the accused in Federal courts before Federal judges.

The offenses charged in these indictments are, of course, less serious than the offense of murder. So is the the punishment which could be imposed. But if the evidence should lead to convictions, the sentences which could be imposed are not inconsequential.

In the course of the racial troubles in Selma, Alabama, a white civil rights worker, Mrs. Viola Liuzzo, was fatally shot. No convictions in that murder were returned by state juries. But in December, 1965, a Federal jury in Montgomery convicted three Klansmen of civil rights violations similar to those involved in the Mississippi and Georgia cases. The judge sentenced the convicted men to serve 10 years in prison. If that precedent should be followed in Mississippi and Georgia as a result of the Supreme Court's action this week, it is safe to predict that racial conspirators will think twice, or more than twice, before engaging in new murderous enterprises.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A-14
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

File

90

44-25873

44-25873-A-

NOT RECORDED
176 APR 11 1966

MAR 31 1966

8-19 (Rev. 12-14-64)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

POINT OF VIEW

# Marshall Shows Fine Rights Case Form

By MARY McGRORY
Star Staff Writer

Thurgood Marshall was, predictably, in excellent form as he argued his first major case before the Supreme Court.

The first Negro solicitor general in history was trying to persuade the nine justices that acts of race terrorism be made federal crimes.

The former counsel of the National Association for the Advancement of Colored People is probably the most effective civil rights advocate in the nation. It was he who made the triumphant case for school desegregation in 1954.

He has been often before the high court, and is at home in its high-ceilinged chamber. He was at ease, quick with the law, and able to command the acceptable joke.

"People don't conspire to do good," he quipped, and the bench was suffused with judicial mirth.

And while feeling is ruled out among the red velvet draperies, the pink pillars and the wrought-iron grilles, Marshall brought in all that the day allowed.

### Imitates Accents

To make his point that private groups conspire to rob Negroes of their federal rights and prevent their enjoyment of the "equal protection under the law" provided by the constitution, he gave a passable imitation of a white-supremacist accent and attitude.

"Look," he said, his voice conjuring up visions of white Citizens' Council meeting, "we are going to plan all this for the purpose we are just sick and tired of what is going on."

His southern opponents, two pale and passionless lawyers, made the traditional constitutionalist oppositions.

H. C. Mike Watkins of Meridian, Miss., a crew-cut young man, said that a change would disrupt the "relationship between the citizen and his government" and cited cases at some length. Murder, in his book, is still a state and not a federal offense, and the right to life a natural rather than a constitutional right.

"I do feel like the state should have the power to pass any law," he said.

Marshall dominated the long and often dry proceedings, principally because he could, unlike the other participants, always be heard.

The justices, apprehensive lest their intra-bench exchanges be amplified, sometimes forget to turn on their microphones when questioning the lawyers. Marshall's heavy voice filled the chamber with strong answers to inaudible queries.

The federal law, he said, was being circumvented "by

THURGOOD MARSHALL

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

NOV 10 1965

44-25873

NOV 10 1965

shooting Negroes, by killing, by pressuring them by burning crosses in public at night."

**Point Illustrated**

His point was being illustrated, negatively, across the Capitol Plaza, where in the Caucus Room, the House Committee on Un-American Activities was struggling with its investigation of the Ku Klux Klan. The morning session, scheduled to begin as Marshall stood up before the Supreme Court, was called off for want of a quorum.

In the afternoon, while Marshall was standing up again, Chairman Charles E. Willis of Louisiana announced the hearings would be postponed until Jan. 4.

The Justice Department was looking into the Penn murder, one of the cases cited by Marshall, and had asked the committee to hold off.

The committee had intended to inquire about the Klan's involvement in the shooting of Lt. Col. Lemuel E. Penn, a Negro National Guardsman, and District of Columbia educator, who was slain in 1964 as he was driving through Georgia.

His accused killers went free. The solicitor general is hoping for a decision that will circumvent Southern juries who find no fault in those who deprive Negroes and civil rights workers of the right to life, liberty and the pursuit of happiness.

6-18 (Rev. 12-14-64)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Supreme Court Asked to Rule U.S. Has Power to Prosecute Penn Case

The Supreme Court was asked yesterday to rule that ample power exists under Federal law to punish crimes against Negroes and civil rights workers.

Solicitor General Thurgood Marshall, in briefs filed with the Court, asked for reinstatement of Federal indictments against persons accused of murdering Negro educator Lemuel Penn of Washington and three civil rights workers killed last year in Mississippi.

Both sets of indictments were thrown out by lower Federal judges, principally on the grounds that the murders are serious crimes against Georgia and Mississippi but are beyond the reach of Federal laws.

Marshall, who is expected to argue the cases for the Government in October, said Congress had power under the Fourteenth Amendment to punish civil rights violations by individuals. He said Congress clearly intended to exercise that power in the 1870 statute under which the indictments were brought.

Penn, a District of Columbia school official, was shot to death last year on a highway near Athens, Ga., as he was driving home from a tour of military reserve duty. The Federal prosecution of six Ku Klux Klansmen began after a state court jury acquitted two of them of the murder.

The Federal charge, which carries a maximum penalty of ten years in prison and a $5000 fine, accuses the six of conspiring to deprive Negroes of their rights in a campaign of violence that culminated in the slaying of Penn. The rights involved, the Government says, are equal access to public facilities, places of public accommodation and the public highways.

In the case of the three murdered civil rights workers, no state prosecutions have been brought. The victims, Michael Schwerner, James Chaney and Andrew Goodman, were killed hours after their arrest on traffic charges and their release by police in Philadelphia, Miss.

Defendants in the Mississippi prosecution are Neshoba County Sheriff Lawrence A. Rainey, Deputy Cecil Price and Richard W. Willis, a Philadelphia policeman, and 14 other individuals. The Government charges that the officials timed the rights workers' release as part of the plot, which ended in murder, to deprive them of constitutionally protected due process of law.

The Mississippi case is considered the easier of the two from the Federal Government's standpoint because of the involvement of state law officers. A Government victory in the Penn case, whether or not the defendants were ultimately convicted, would assure the Johnson Administration of a major tool in its battle with the Klan and other terrorist groups.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date SEP 10 1965

44-25873-A
NOT RECORDED
167 SEP 15 1965

50 SEP 17 1965

8-19 (Rev. 12-14-64)

# Justice Opens Appeals on Rights Cases

A-1

By DANA BULLEN
Star Staff Writer

The Justice Department asked the Supreme Court today to uphold the government's authority to bring federal criminal charges against persons accused of anti-civil rights terrorism.

Solicitor Gen. Thurgood Marshall urged the justices to reinstate federal charges dismissed by lower courts as the high court heard arguments by lawyers in two closely watched rights slaying cases.

One case is a government appeal from the dismissal by U.S. District Court Judge Harold Cox of most federal charges in the slaying last year of three young civil rights workers near Philadelphia, Miss.

The other government appeal is from the dismissal by U.S. District Court Judge W. A. Boodle of federal charges in the killing on a Georgia highway of Lemuel Penn, a Negro Washington educator.

### Aim at Basic Issue

Civil rights leaders and some congressmen have called for stiffer laws against such terrorism, but the Justice Department thus far has been waiting for the Supreme Court's opinion on the existing laws involved in today's cases.

While points in the present cases differ somewhat, the basic underlying issue is whether federal authorities can act under existing laws in situations in which state convictions at present cannot be obtained.

One of the two federal laws before the justices is the one under which Vollie Leroy Wilkins Jr. was arraigned last week after being acquitted on an Alabama murder charge in the Viola Liuzzo slaying.

This law, enacted in 1870, has been called by the government the only federal statue "which carries severe punishment for brutal physical violence in the invasion of civil rights."

### Provides Fines, Prison

It provides for fines and prison terms of up to 10 years for persons convicted of conspiring to injure or intimidate citizens exercising their constitutional rights.

The second, less severe section, also adopted in 1870, provides for jail terms of up to one year for depriving persons "under color of . . . law" of rights secured by the Constitution or federal law.

In dismissing the federal charges in the Philadelphia (Miss.,), and Penn cases, the lower federal courts held, in effect, that murder, even in rights cases, is a state offense that only a state can prosecute.

Marshall, in the government's appeals, contends the stiffer of the two federal laws, involved in both cases, "is certainly broad enough to rech conspiracies directed against Fifth Amendment rights."

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Penvic

114-25873

NOV 15 1965

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A 14
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

NOV 10 1965

TOP CLIPPING
DATED 11-4-65
FROM WASH. CAPITAL NEWS SERVICE
MARKED FILE AND INITIALS

90

50 NOV 16 1965

0-28 (Rev. 12-14-64)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

UPI-57

(RIGHTS MURDERS)

WASHINGTON.--SOLICITOR GENERAL THURGOOD MARSHALL ASKED THE SUPREME COURT TODAY TO RULE THAT AN 1870 LAW EMPOWERS THE FEDERAL GOVERNMENT TO PROSECUTE "LYNCH MOB MURDER."

IT WAS THIS LAW THAT THE GOVERNMENT RELIED ON IN BRINGING FEDERAL CHARGES IN CONNECTION WITH THE SLAYING OF THREE CIVIL RIGHTS WORKERS NEAR PHILADELPHIA, MISS., AND A WASHINGTON, D.C., NEGRO EDUCATOR, LEMUEL PENN, IN GEORGIA IN 1964.

MARSHALL SAID THE RECONSTRUCTION ERA STATUTE WAS DESIGNED TO ENFORCE GUARANTEES OF LIFE AND LIBERTY CONTAINED IN THE 14TH AMENDMENT TO THE U. S. CONSTITUTION. FEDERAL DISTRICT JUDGES IN THE SOUTH THREW OUT CHARGES BASED ON THE 1870 LAW AND THE FEDERAL GOVERNMENT APPEALED.

ARGUING BEFORE THE HIGH TRIBUNAL, MARSHALL TERMED THE SLAYINGS OF MICHAEL SCHWERNER, ANDREW GOODMAN AND JAMES CHANEY IN MISSISSIPPI UNLAWFUL PUNISHMENT FOR THEIR CIVIL RIGHTS ACTIVITIES.

HE CHARGED THAT STATE OFFICIALS TURNED OVER THE THREE YOUTHS TO A "LYNCH MOB" AND ON OFFICER SHIELDED THE MOB FROM PROSECUTION.

THIS IS THE KIND OF CONSPIRACY THE 1870 LAW MADE A FEDERAL OFFENSE, HE SAID.

MARSHALL, FIRST NEGRO TO BE SOLICITOR GENERAL, SPENT MOST OF HIS TIME IN HIS OPENING STATEMENT ARGUING THAT CONGRESS IN 1870 MEANT TO EXTEND FEDERAL JURISDICTION TO COVER VIOLENCE AGAINST NEWLY FREED NEGROES BY PRIVATE CITIZENS.

11/9--JD1125AES

44-25873-4
NOT RECORDED
NOV 15 1965

File 6-4

90
44-25873

NOV 16 1965 WASHINGTON CAPITAL NEWS SERVICE

6-20 (Rev. 12-14-64)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

UPI-84

ADD 1 RIGHTS MURDERS, WASHINGTON (UPI-57)

A MERIDIAN, MISS., ATTORNEY TOLD THE COURT THAT THE GOVERNMENT HAD NO RIGHT TO USE THE 1870 LAW.

H. C. MIKE WATKINS CONTENDED THAT THE LAW WAS INTENDED TO PROTECT "FEDERAL TYPE RIGHTS" AND NOT RIGHTS GUARANTEED UNDER THE 14TH AMENDMENT.

WATKINS SAID, "THE RIGHT TO BE FREE OF ASSAULT AND BATTERY...OR AN ASSAULT AND BATTERY AND MURDER BY ONE CITIZEN AGAINST ANOTHER IS NOT PROTECTED BY THE 14TH AMENDMENT... AND IS NOT REACHED" BY THE 1870 LAW. HE SAID THE LAW PROTECTS THE RIGHT TO VOTE AND OTHER "FEDERAL TYPE RIGHTS" BUT NOT "NATURAL RIGHTS."

IF THE LAW IS UNRESTRICTED, HE TOLD THE COURT, "WE FEEL LIKE THAT IN EFFECT IT WOULD AMOUNT TO AN AMENDMENT" OF THE 14TH AMENDMENT.

THE ARGUMENT DID NOT PROVOKE A RAPID-FIRE QUESTION AND ANSWER SESSION BETWEEN THE ATTORNEYS AND MEMBERS OF THE COURT. THE JUSTICES PUT IN QUESTIONS FROM TIME TO TIME BUT FOR THE MOST PART LISTENED IN SILENCE.

JUSTICE POTTER STEWART ASKED WATKINS WHETHER CONGRESS WOULD HAVE THE POWER UNDER THE CONSTITUTION TO TAMEK THEFT OR MURDER A FEDERAL CRIME. MAKE

"WE DO NOT FEEL THAT EXERCISE OF THAT POWER WOULD BE VALID," WATKINS REPLIED.

WATKINS, CONCLUDING HIS ARGUMENT, TOLD THE COURT: "WE RESPECTFULLY SUBMIT THAT THE BALANCE OF POWER BETWEEN THE STATES AND THE FEDERAL GOVERNMENT IS NECESSARY TO CONTINUE AND GIVE THE PROPER MEANING AND PURPOSE TO OUR GREAT SYSTEM OF GOVERNMENT."

MARSHALL, ARGUING IN THE GEORGIA CASE, SAID THE FEDERAL GOVERNMENT HAD THE POWER TO PROSECUTE A "GANG OF TOUGHS" WHO INTERFERE WITH CIVIL RIGHTS OF INDIVIDUALS.

HE SAID THE SAME 1870 STATUTE THE GOVERNMENT RELIES UPON IN THE MISSISSIPPI SLAYINGS AUTHORIZED A FEDERAL PROSECUTION IN THE ~~PENN~~ MURDER.

JUSTICE JOHN M. HARLAN ASKED IF THE GOVERNMENT FELT CONGRESS COULD MAKE THE MURDER OF ANY NEGRO A FEDERAL CRIME.

"NO, SIR," MARSHALL REPLIED. "IF A GROUP OF MEN SHOT NEGROES BECAUSE THEY DID NOT LIKE THEM, THERE WOULD BE NO FEDERAL CRIME. THE RIGHT TO PUNISH FOR MURDER IS INHERENTLY A STATE JOB. WE DON'T EVEN SAY THAT THE FEDERAL GOVERNMENT HAS A RIGHT TO DO IT EVEN IF THE STATE DOES NOT."

11/9--TD1234PES

WASHINGTON CAPITAL NEWS SERVICE

2

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# U.S. Appeals Rights Case Dismissals

MACON, Ga. — The federal government is appealing to the U.S. Supreme Court the dismissal of indictments against six alleged Ku Klux Klansmen charged with conspiring to deprive Negroes of their civil rights.

The six, residents of the Athens area, were indicted by a grand jury that investigated the killing of Lemuel Penn, Negro educator of Washington, D.C., last summer.

U.S. District Judge W. A. Bootle dismissed the indictment Dec. 29, ruling that it failed to show violations of federal law. The men were charged with conspiring to "injure, oppress, threaten and intimidate" unnamed Negroes.

Floyd Buford, U.S. attorney, said notice of appeal to the Supreme Court has been filed with the clerk of U.S. District Court here.

Named in the indictment were Herbert Guest, James Spurgeon Lackey, Cecil William Myers, Denver Willis Phillips, Joseph Howard Sims and George Hampton Turner. All the defendants are free o nbond.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 19
The Atlanta Constitution, Atlanta, Georgia
Date: 1/28/65
Edition: Morning
Author:
Editor: EUGENE PATTERSON
Title: PENVIC

Character: ~~RM~~ CR
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

44-25873-A
NOT RECORDED
46 FEB 8 1965

56 FEB 9 1965

6-19 (Rev. 5-27-63)

(1)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

## Hard Choice

There was no doubt a widespread feeling of frustration and disappointment over the news that United States District Judge William A. Bootle had dismissed the conspiracy indictments against six Georgia Ku Klux Klansmen in connection with the killing last July of Lemuel Penn. The accused men may have been entirely innocent of the crime. But dismissal of the indictments, coming on the heels of a Georgia court's somewhat summary acquittal of two of the defendants on a state charge of murder, leaves a strong foreboding that no one will be brought to justice for this dastardly act.

The Federal Government indicted the six Klansmen under an 1870 civil rights act making it criminal to conspire to "injure, oppress, threaten and intimidate" persons in the exercise of their constitutional rights. In this case, the Department of Justice argued, the accused Klansmen deprived Penn of a Federally guaranteed right to travel freely among the several states. Penn and his companions were driving from Georgia to Washington.

To Judge Bootle, the Justice Department claim that a Federal law had been violated seemed contrived and unrealistic. The case seemed to him a clear case of murder, which is a violation of Georgia law since it was committed in that state; and he said what is undoubtedly true, that a Federal court should "not usurp jurisdiction where it has none." This sort of judicial restraint is thoroughly commendable; and it must be acknowledged that in this case it is certainly not unreasonable. Judge Bootle has earned the highest respect.

The 1870 civil rights statute was given a restricted and difficult interpretation by the Supreme Court nearly 20 years ago in the *Screws* case. Whether the act affords true ground for Federal intervention in the Penn murder is a most difficult decision. We see no reason to reproach Judge Bootle for his view of it—and especially since, as he observed, "fortunately, under the Criminal Appeals Act . . . the Federal Government has a speedy remedy for a review of this ruling by the Supreme Court.

We think the Department of Justice deserves applause for its effort in the Penn case. There is little question, however, that the primary responsibility for administering justice in this case lies with the State of Georgia. Failure to punish the perpetrators of this horrible crime, whoever they may be, will be a lasting reproach to Georgia's justice.

"Pennie"

66 JAN 7 1965

File 6-117

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 1-3-65

144-25873-A

NOT RECORDED
102 JAN 5 1965

0-18 (Rev. 12-14-64)

Tolson
Belmont
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Southern Judges

There is a tendency to impute bias to Federal judges in the South when they rule in favor of whites in any case involving a racial issue. Perhaps there is some justification for this attitude. But not always.

A Federal judge, William A. Bootle, has just dismissed indictments in the murder of Lemuel A. Penn, who was shot to death in Georgia last summer while driving home from Fort Benning. A lieutenant colonel in the Army Reserve, Mr. Penn was an official of the District's school system, a fine citizen, and had not been involved in any racial activity. He was the victim of a vicious killing by vicious men. And if they cannot be brought to trial even on a Federal charge of violating Mr. Penn's civil rights, the result would seem to be a gross miscarriage of justice.

However, Judge Bootle has ruled that the indictments failed to set forth a vibiation of Federal law, and that it is important for the Federal courts "not to usurp jurisdiction where they have none."

Undoubtedly this view of the jurisdictional matter is correct. But is it also a reflection of racial bias on the part of the judge?

We doubt it. It was Judge Bootle who first ordered Negro students admitted to the 179-year-old University of Georgia. He has granted directed verdicts for Negroes in voting cases. And in dismissing the indictments in the Penn case, he said: "Fortunately, under the criminal appeals act, the Federal Government has a speedy remedy for a review of this ruling by the Supreme Court." This does not sound like the comment of a biased judge. It sounds instead more like a recommendation that the Department of Justice should appeal the case. Then, if the Supreme Court holds that Judge Bootle erred, the defendants can be indicted again and brought to trial.

Meanwhile, over in Mississippi, Federal Judge Harold Cox has reconvened a grand jury to consider the evidence against 19 men suspected of killing three civil rights workers last summer. A United States Commissioner, in an astonishing ruling, recently dismissed the charges, which again turn on an alleged civil rights violation since murder is a State, not a Federal, offense.

This judge's action means, however, that the Department of Justice will have an opportunity to present all of its evidence, including some "new" evidence, to a grand jury composed of laymen. It is to be hoped that these jurors will not hesitate to return indictments if they believe the evidence justifies bringing the accused to trial. Whatever may come out of the grand jury, however, Judge Cox has done his job.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JAN 2 1965

44-25873

1 44-25873-A
NOT RECORDED
176 JAN 7 1965

60 JAN 7 1965

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. [illegible]
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# U.S. Expected to Appeal Ruling in Klansmen Case

By PAUL VALENTINE

The U.S. Justice Department as considering Wednesday go-g directly to the Supreme ourt to appeal Federal Judge . A. Bootle's dismissal Tues-ay in Macon of conspiracy in-ctments against six Athens Ku lux Klansmen.

A federal spokesman said ere was little doubt the Jus-ce Department will file notice of appeal in the next 20 or 30 days.

Judge Bootle dismissed the indictments in a complex, 22-page order, noting that the constitutional questions involved are so intricate that they should be appealed directly to the highest court in the land.

The six white men were indicted last October by a federal grand jury on charges they conspired to threaten and oppress Negroes in the exercise of civil rights guaranteed by federal statute or constitutional provisions.

KLAN ATTORNEYS asked for dismissal of the charges on grounds the government failed to allege criminal actions which can be prosecuted under the federal conspiracy statute.

Specifically, the government charged the six men schemed to oppress Negroes in the use of public accommodations and public roads by threatening, beating, killing and terrorizing them and destroying their property.

Justice Department attorneys argued guarantees to the free and equal use of public accommodations are secured under the new controversial Civil Rights Act and free use of highways is protected under discrimination immunities of the 14th Amendment.

JUDGE BOOTLE ruled, however, that the government allegations against the Klansmen, even if true, still do not violate any federal law.

He said it was not the intent of Congress when it passed the 1870 conspiracy statute to have such alleged conduct come within its scope.

44-25873

File

F40

69 JAN 13 1965

44-25873-A-

NOT RECORDED
JAN 12 1965

(Indicate page, name of newspaper, city and state.)

Page 2
The Atlanta Journal,
Atlanta, Georgia

Date: 12/30/64
Edition: Final
Author: PAUL VALENTINE
Editor: JACK SPALDING
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

During a pretrial hearing Monday, however, Justice Department Attorney St. John Barrett contended that the statute—written just after the Civil War—was specifically designed to curb such activities as "Klan terrorism" and other conspiratorial acts against newly emancipated Negroes by embittered Southerners.

Klan attorneys, on the other hand, argued the conspiracy statute cannot be used to prosecute violations of the 14th Amendment because the amendment is designed to protect individuals from discriminatory action only by the state or state officials and not by other indiviuals, even though those individuals be Klansmen.

They also maintained that language in the public accommodations law specifically prohibits criminal prosecution by the 1870 conspiracy statute to enforce rights under the new law. Their only remedy under the law is civil injunctive action, they argued.

Barrett countered that the prohibition of criminal prosecution applies only to proprietors of non-compliant public accommodations, but not to "third parties" such as "Klan terrorists."

The six Klansmen named in the indictments are Cecil Myers, Howard Sims, James Lackey, Herbert Guest, Denver Phillips and Hampton Turner.

Myers, Sims and Lackey were indicted last summer on state charges of murdering Washington, D.C., Negro educator Lemuel Penn. Myers and Sims were acquitted by an all-white jury. Lackey has not yet been tried.

8-19 (Rev. 12-14-64)

ST

# Six Are Freed In Penn Case By U.S. Judge

## Court Cites Lack Of Jurisdiction, Suggests Appeal

A federal judge in Macon, Ga., has dismissed conspiracy indictments against six alleged Ku Klux Klan members in a Civil Rights case stemming from the shotgun slaying of Lemuel A. Penn, a Negro school official from the District of Columbia.

Two of the six white men who were under indictment on Federal charges of conspiring to oppress Negroes have previously been acquitted in a state court on murder charges. A third defendant awaits trial.

District Court Judge William A. Bootle, in dismissing the indictments, said the federal government failed to show violation of the federal law. Referring to the state court acquittals, he said that it is important that the federal court "not usurp jurisdiction where it has none." The Associated Press reported.

### Sat In Previous Cases

The judge has presided in several previous cases involving the rights of Negroes. Four years ago, the jurist, who is the judge of the Middle District of Georgia, issued the order to admit the first Negro students to the 179-year-old University of Georgia.

In 1955, Judge Bootle granted a directed verdict for 22 Negroes in a civil rights damage suit at Columbus, Ga. The Negro plaintiffs had charged two county registrars with denying them their right to vote.

Last Sept. 4, two men, Cecil Myers and Joseph Howard Sims, were acquitted of murder charges in the July 11 slaying. James S. Lackey is the defendant still awaiting trial.

The slain 49-year-old Negro educator was killed by shotgun blasts fired from a passing car in the early morning of July 11.

### Returning From Camp

Penn, who was a director of adult and vocational education in the District school system, was a lieutenant colonel in the Army Reserve. On the morning he was shot, he and two other Negro reserve officers were returning to Washington after two weeks of active duty at Fort Benning, Ga.

Although he dismissed the conspiracy indictments against the six defendants, Judge Bootle said the Federal charges presented constitutional questions.

He added, "Fortunately, under the criminal appeals act . . . the federal government has a speedy remedy for a review of this ruling by the Supreme Court."

U.S. Attorney Floyd Buford said he will confer with attorneys in the Justice Department in Washington and decide whether the dismissal of the

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Penvic

File 6-4

The Washington Post and Times Herald
The Washington Daily News
The Evening Star 11-1
New York Herald Tribune
New York Journal-American
New York Daily News
New York Post
The New York Times
The Baltimore Sun
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date DEC 30 1964

144-35873-A-
NOT RECORDED
102 JAN 5 1965

66 JAN 7 1965

indictments will be appealed.

A Georgia prosecutor last night said it has not been determined yet whether the third murder-charge defendant will be tried.

In their trial, Myers and Sims were freed by a jury after Lackey repudiated a statement in which he described the slaying.

The statement quoted Lackey as saying that he, Sims and Myers spotted the Penn car, followed it and that both Sims and Myers fired shotgun blasts into the car, the AP said.

According to a Government attorney, the conspiracy indictments against Myers, Sims, Lackey and three other men—Deiver Willis Phillips, George H. Turner and Herbert Guest—were based on an 1870 statute and on the newly-enacted Civil Rights Act.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. [illegible]
Mr. [illegible]
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# Case against six dismissed

## Lacks jurisdiction, Judge Bootle says

By BILLY DILWORTH
Times State Editor

MACON — Federal Judge W. A. Bootle Tuesday dismissed a government indictment charging six Athens men with conspiring to deprive Negroes of their civil rights.

"This court can not usurp jurisdiction where it has none," the jurist said in voiding the indictments stemming from investigation into the death of Lemuel Penn, Washington, D.C. Negro educator.

"The enforcement of general criminal laws is a local matter with authority and responsibility resting squarely upon local and state officers," Judge Bootle declared.

Continuing, he said, "fortunately, under the criminal appeals act . . . the federal government has a speedy remedy for a review of this ruling by the Supreme Court."

The judge's decision ended for the moment indictments against the six, Joseph Howards Sims, Cecil William Myers, James S. Lackey, Willis Phillips, George Hampton Turner, and Herbert Guest.

Three of them, Sims, Myers, and Lackey, were charged specifically in a state warrant with killing Penn as he rode near Colbert last summer. A Madison County Superior Court jury found Sims and Myers not guilty and Lackey has not been tried.

All six then were charged in federal conspiracy indictments and were accused of conspiring to "injure, oppress, threaten and intimidate Negroes."

The government maintained it was "part of the plan and purpose of the conspiracy that its objects be achieved by . . . shooting Negroes . . . beating Negroes . . . killing Negroes (and) damaging and destroying property of Negroes."

Originally, the six were to be tried in Athens Jan. 11.

Attorneys asked Judge Bootle to dismiss charges on grounds the indictment fails to charge any federal law violation.

(Indicate page, name of newspaper, city and state.)

Page 1B
The Atlanta Times,
Atlanta, Georgia

Date: 12/30/64
Edition: Georgia
Author: BILLY DILWORTH
Editor: ~~LUKE GREENE~~
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta
[X] Being Investigated

44-25873-A-
NOT RECORDED
176 JAN 11 1965

1-25873

File
6-AA

F201

4 JAN 12 1965

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. [illegible]
Mr. [illegible]
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# Klansmen's Plea Studied; Trial Could Start Jan. 11

By PAUL VALENTINE
Atlanta Journal Staff Writer

MACON, Dec. 29 — Federal Judge W. A. Bootle has taken under advisement a plea to dismiss indictments against six Athens Ku Klux Klansmen charged with conspiring to deny Negroes their civil rights.

Klan and U.S. Justice Department attorneys argued for more than three hours in federal court here Monday at the pretrial hearing.

If Judge Bootle denies the motion to dismiss the charges, trial will begin Jan. 11 in Athens.

THE CASE arose in part from the shotgun slaying last July 11 of Washington, D.C., Negro educator Lemuel Penn as he and two other Negroes were driving through Madison County in North Georgia.

Klanmen Cecil Myers, Howard Sims and James Lackey were arrested and indicted on a state charge of murder. Myers and Sims were acquitted. Lackey has not been tried.

The trio, plus three more Klansmen — Herbert Guest, Hampton Turner and Denver Phillips — subsequently were indicted by a federal grand jury under an 1870 federal conspiracy statute.

SPECIFICALLY, they are charged with conspiring to threaten and oppress Negroes in the enjoyment of the federally guaranteed rights of using privately owned public accommodations under the new public accommodations law and of freely using the public highways as secured under discrimination immunities of the 14th Amendment.

The indictment charges the men conspired to beat, kill and terrorize Negroes and destroy their property in order to prevent them from using public accommodations and public roads.

Justice Department attorney St. John Barrett argued the conspiracy, in keeping with Klan tradition, was made against Negroes exclusively because they are Negroes.

KLAN ATTORNEYS Jim Hudson of Athens and Robert Thompson of Gainesville contended language of the public accommodations law specifically prohibits criminal prosecution under the 1870 conspiracy statute. The only avenue of relief under the public accommodations law is civil injunctive action, they said, and the language of the law emphasizes that is the only relief.

They also argued that the 14th Amendment is intended only to protect citizens from discrimination by the state and state officials and not by private individuals.

Barrett rebutted that the conspiracy statute prohibition in the public accommodations law is aimed at protecting only proprietors from criminal prosecution but not "third parties," such as "Klan terrorists."

HE ALSO maintained certain acts by private individuals—such as terrorist conspiracies—"can so warp the action of the state" that they would be covered by the reach of the 14th Amendment immunities against discrimination.

He said the conspiracy statute—written just after the Civil War—clearly was designed to curb terrorist action against Negroes by embittered white Southerners. And likewise, the 14th Amendment — also enacted to protect Negroes after emancipation—is viable in the Athens Klan case, and violations of the amendment by private individuals can be punishable under the conspiracy statute.

(Indicate page, name of newspaper, city and state.)

Page 2
The Atlanta Journal,
Atlanta, Georgia

Date: 12/29/64
Edition: Final
Author: PAUL VALENTINE
Editor: JACK SPALDING
Title: OPENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

44-25873
F001
64 JAN 12 1965

44-25873-A
NOT RECORDED
178 JAN 11 1965

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. G[illegible]
Mr. R[illegible]
Mr. S[illegible]
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# 1870 law told in Macon trial

## Defense attorneys ask for dismissal

By BILLY DILWORTH
Times State Editor

MACON — Indictment of six white Athens men on charges of intimidating Negroes stems from laws dating back to 1870, in addition to the recently-enacted Civil Rights Act, a Justice department attorney told U. S. District Judge W. A. Bootle in arguments here.

The jurist heard Monday from both defense and federal attorneys as to whether the six should be brought to trial in Athens Jan. 11, then announced he would try to rule by late Tuesday or early Wednesday.

Federal Attorney St. John Barrett, in arguments, said the charges were based on the 1870 law providing a penalty up to 10 years in prison for private individuals who deprive citizens of the exercise and enjoyment of federal rights.

(Indicate page, name of newspaper, city and state.)

Page 1B
The Atlanta Times,
Atlanta, Georgia

Date: 12/29/64
Edition: Georgia
Author: BILLY DILWORTH
Editor: LUKE GREENE
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

X Being Investigated

144-25873

66 JAN 7 1965

144-25873-A-
NOT RECORDED
138 JAN 7 1965

But attorneys for the defendants asked Judge Bootle to dismiss the charges on grounds the indictment fails to charge any federal law violation.

The six are Cecil Myers, Joseph Howard Sims, Denver Willis Phillips, George Hampton Turner, Herbert Guest and James S. Lackey. They were indicted in Athens by a federal grand jury on charges of alleged violence against Negroes in Georgia. Indictment came after the July 11 death of Lemuel Penn, Washington, D. C., Negro educator, whose body was pulled from a late - model automobile at a bridge near Carlton, in Madison County.

All but Lackey are out on bond. Lackey is being held in the federal penitentiary, Atlanta.

Defense attorneys contend, even if the charges were true, they would not constitute a federal violation but instead would involve matters reserved to individual states by amendments to the Constitution.

★

The judge also is studying a motion to provide separate trials for some of the defendants. He overruled two defense motions for bills of particulars. Defense attorneys said the acts charged in the indictment were so broad and general they could not determine exact violations stipulated.

One attorney, Jim Hudson, of Athens, is seeking one trial for Phillips and Turner, a second for Sims and Myers, and a third for Guest.

Robert B. Thompson, attorney, is seeking an immediate trial of Lackey.

Monday's arguments before Judge Bootle were held here because the judge said legal libraries and other facilities were more adequate in the mid-state city than in Athens.

★

If the trials are docketed, Judge Bootle would preside at the Federal courthouse in Athens.

A Madison County Superior Court jury acquitted Myers and Sims on state charges of murder. The Penn trial was in Danielsville.

Lackey still faces the murder charge, however, in addition to the federal conspiracy count.

(2)

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Pretrial Motions Set in Klan Case

By PAUL VALENTINE

The case of six Athens Ku Klux Klansmen charged with conspiring to deny Negroes their civil rights is heading for choppy legal waters even before it goes to trail.

Attorneys for the Klansmen and the U.S. Justice Department will argue a series of pretrail motions Dec. 28, in federal court in Macon. In one motion, the Klansmen are seeking a blanket dismissal of the charges.

If the case survives the motion, trial has been tentatively set for Jan. 11 in Athens.

The Klansmen are James Lackey, Howard Sims, Cecil Myers, Herbert Guest, Denver Phillips and Hampton Turner.

The first four were arrested last summer in connection with the shotgun slaying of Washington, D.C., educator Lemuel Penn in Madison County near Athens.

Lackey, Sims and Myers were indicted on the state charge of murder. Sims and Myers were acquitted by an all-white Madison County jury. Lackey, who made an alleged confession in the shooting and later repudiated it, has not yet been tried. The murder charge against Guest was dropped.

ALL SIX MEN subsequently were indicted by a federal grand jury under an 1870 conspiracy statute and charged with scheming to deny Negroes of a variety of rights and privileges.

The men are not charged with violating Negroes' rights but with conspiracy to do so. Federal prosecution under the conspiracy statute (18 USC 241) must prove only an unlawful agreement but not any overt act in furtherance of that agreement.

Specifically, the indictment charges the men conspired to "injure, oppress, threaten and intimidate" various Negroes in the exercise of the right to use privately owned public accommodations, publicly owned facilities, public roads and highways.

The indictment alleges the men conspired to oppress these rights by shooting, beating and killing Negroes, damaging their property, pursuing and terrorizing them in autos, threatening them by telephone and in person, going on their property in disguise, causing them to be arrested on false criminal reports and burning crosses within their view.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 41
The Atlanta Journal and Constitution, Atlanta, Georgia
Date: 12/20/64
Edition: Sunday
Author: PAUL VALENTINE
Editor: LUTHER McALLISTER
Title: KENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

754

4 DEC 30 1964

44-25873-A

NOT RECORDED
167 DEC 30 1964

KLAN ATTORNEYS claim in their motion for dismissal of these charges that the rights enumerated by the federal government in the indictment are secured under laws or constitutional amendments against which the conspiracy statute is not actionable.

Thus, they argue, the right to use privately owned public accommodations is secured by Title II of the new Civil Rights Act, known as the public accommodations law. And the right to use publicly owned facilities and road and highways is guaranteed by the Constitution's 14th Amendment.

However, the Klan motion continues, a section of the public accommodations law specifically prohibits prosecution by the 1870 conspiracy statute. Section 207 (b) states that "the remedies provided in this title shall be the exclusive means of enforcing the rights based on this title. . . ." The remedy prescribed in the title is for the aggrieved person to go to court and seek a federal injunction against the operator of the offending public accommodation.

The Klan motion further asserts that liberal Democratic sponsor of the controversial bill, Sen. Hubert Humphrey, declared on the floor of the Senate last May that Sec. 207 (b) was specifically designed to prevent prosecution by the conspiracy statute.

THE MAY 1, 1964 Congressional Record quotes Sen. Humphrey as saying violations of rights under the public accommodations bill "cannot result in criminal prosecution . . . This language is necessary because otherwise it could be contended that a violation of these provisions would result in criminal liability under 18 USC 241 (the conspiracy statute) . . ."

In reference to the other rights enumerated in the indictment —free use of roads, highways and public facilities — the Klan motion contends the 14th Amendment protections do not apply in the Klan case because the amendment's intent is to protect individuals from acts only by the State or by public officials who would abridge an individual's rights. The six Klansmen, naturally, are neither the State nor public officials therein. As private individuals, they are free of the amendment's intent, the motion declares.

The motion quotes the Supreme Court decision in Peterson vs. Greenville (373 US 244): "Individual invasion of individual rights is not within the purview of the 14th Amendment and private conduct abridging an individual rights does no violence to the equal protection clause."

THE GOVERNMENT'S rebuttal to these arguments is contained in a 56-page memorandum prepared by the Justice Department in Washington.

With regard to the intent of the public accommodations law, the memorandum contends section 207 (b) prohibiting criminal prosecution "is meant to limit the remedies that could be utilized against a store proprietor . . . from barring persons . . because they are Negroes"

The memorandum continues: "Significantly Sen. Humphrey did not refer to mobs and other outsiders who seek to intimidate Negroes attempting to gain access to public accommodations. Nothing in the legislative history of the Civil Rights Act suggests any effort to modify (the conspiracy statute) so as to prevent its use against third parties seeking to intimidate . . . Negro citizens . . ."

The Justice Department memorandum, in fact, quotes the Humphrey speech in full, admitting Sec. 207 (b) is designed to prevent prosecution under the conspiracy statute, but, the speech adds, "This would mean, for example, that a proprietor who in the first instance legitimately but erroneously believes his establishment is not covered by (the act) need not fear a jail sentence . . . if his judgment as to the coverage of (the act) is wrong."

The memorandum further states that the purpose of the Klan indictment is not to enforce rights secured by the public accommodations law (which are enforceable only by court injunction) but to "invoke criminal sanction to implement subsection 203 (b) which secures persons against unlawful interference with their protected rights" under the public accommodations law.

IN RESPECT to 14th Amendment guarantees, the government memorandum argues that legislative history and numerous Supreme Court rulings show that the amendment's protection can be applied against acts not only by the State but by private individuals.

"Indeed," asserts the government, "it seems more than somewhat absurd to suggest that any of the framers of the 14th Amendment wished only to accord the federal government the power to deal with outright denials of basic rights by state officials but not to reach the more pervasive and insidious attempts of private persons to interfere with the exercise of the newly won rights.

"At the time of the passage of the Civil War amendments, it seemed hardly likely that the newly reconstructed states would, through official act or policy, seek to deny rights to the recently emancipated slaves. On the other hand, the likelihood that private persons, resenting the course of history, would attempt to preserve the status quo, was great indeed.

"The growth of the Ku Klux Klan is a vivid manifestation of just such conduct by private persons. And the language of (the conspiracy statute, written in 1870) shows the concern of the legislators with just this kind of private intimidation and interference."

The government also contends the language of the conspiracy statute is "unambiguous," making it unlawful to conspire to deny "any" right or privilege secured by the laws and Constitution of the nation.

THE JUDGE who will hear and determine the merits of these opposing arguments Dec. 28 is U.S. District Judge W. A. Bootle of Macon. A Republican appointed to the bench during the Eisenhower administration, it is Judge Bootle who ordered the University of Georgia integrated in 1961.

He also declared unconstitutional at that time the state's 1956 law permitting the legislature to cut off funds to public institutions undergoing integration.

In another race-related case in 1960, Judge Bootle enjoined Terrell County registrars from discriminating against Negro voter applicants. Some months after the injunction, however, he rejected a Justice Department request that he appoint federal references to oversee Negro voting activities in the county.

0-20 (Rev. 10-1-64)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

Rm 2262
(IRTO)

PENVIC

UPI-28
(KLANSMEN)

ATHENS, GA.--SIX KU KLUX KLANSMEN CHARGED WITH CONSPIRING TO DEPRIVE NEGROES OF THEIR CIVIL RIGHTS WILL BE ARRAIGNED TOMORROW IN FEDERAL DISTRICT COURT.

U.S. DIST. ATTY. FLOYD BUFORD SAID A DATE FOR A HEARING PRE-TRIAL MOTIONS IN THE CASE PROBABLY WILL BE SET AT THE ARRAIGNMENT.

BUFORD SAID TRIAL OF THE SIX PROBABLY WOULD NOT BEGIN UNTIL THE JANUARY TERM OF COURT.

THE SIX KLANSMEN, ALL FROM THE ATHENS AREA, WERE INDICTED BY A FEDERAL GRAND JURY ON CHARGES THAT THEY SYSTEMATICALLY INTIMIDATED AND HARASSED NEGROES. THE INDICTMENT ALSO CHARGED THEM WITH CONSPIRING TO SHOOT, BEAT, AND KILL NEGROES, PURSUE THEM IN AUTOMOBILES AND THREATEN THEM WITH FIREARMS.

THREE OF THE SIX--CECIL MYERS, JOSEPH HOWARD SIMS AND JAMES S. LACKEY--WERE INDICTED BY A MADISON COUNTY GRAND JURY LAST SUMMER ON CHARGES OF MURDERING LEMUEL PENN, A NEGRO EDUCATOR FROM WASHINGTON, D.C.

PENN, A RESERVE LIEUTENANT COLONEL, WAS SHOT TO DEATH WHILE DRIVING ALONG A HIGHWAY NEAR ATHENS DURING THE PRE-DAWN HOURS OF JULY 13. HE WAS RETURNING WITH TWO OTHER NEGRO OFFICERS TO WASHINGTON FROM A TOUR OF ARMY TRAINING AT FORT BENNING AT THE TIME.

11/29--MJ634PES

44-25873-A

44-25873

File 6-

56

60 DEC 11 1964 WASHINGTON CAPITAL NEWS SERVICE

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# U.S. Jury Indicts 6 Athens Klansmen

By BILL SHIPP
Constitution State News Editor

A federal grand jury Friday indicted six Athens Ku Klux Klansmen on charges of conspiring to injure and intimidate Negro citizens.

The six included two Klansmen, Joseph Howard Sims, 41, and Cecil William Myers, 25, who were acquitted last month in Madison County Superior Court of the shotgun slaying of Negro educator Lemuel Penn.

The Federal Bureau of Investigation arrested three of the men Friday afternoon. They were identified by FBI Director J. Edgar Hoover as Denver Willis Phillips, 24, an Athens mechanic; George Hampton Turner, 32, of Hull, an Athens loom fixer, and Herbert Guest, 37, operator of the garage where Phillips works.

LACKEY INDICTED

Also indicted was James Lackey who is being held without bond in the Bibb County jail on a charge of murdering Penn. He has not been tried.

Guest, Sims and Lackey already were under $25,000 bond on an FBI complaint issued in August charging them with the civil rights violation.

In addition to the conspiracy count, the jury indicted Guest on a charge of possessing an unregistered, sawed-off shotgun with an over-all length of less than 26 inches in violation of the National Firearms Act.

HELD IN JAIL

Turner and Phillips were held in Clarke County jail in lieu of $10,000 bond each. Guest was released under an additional $1,000 bond on the firearms charge.

The rights indictment alleges the six men "conspired to injure, oppress, threaten and intimidate Negro citizens . . ."

The indictment charges that the object of the conspiracy was to be "achieved by various means" including "killing Negroes," "shooting Negroes," "beating Negroes," "damaging and destroying property of Negroes," and "pursuing Negroes

(Indicate page, name of newspaper, city and state.)

4

File

Page 1
The Atlanta Constitution,
Atlanta, Georgia
Date: 10/17/64
Edition: Morning
Author: BILL SHIPP
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

Being Investigated

44-25873-A
NOT RECORDED
OCT 27 1964

66 OCT 30 1964

in automobiles and threatening them with guns."

Conviction of this offense carries a maximum penalty of 10 years imprisonment and/or $5,000 fine.

Conviction of the firearms violation carries a maximum penalty of five years' imprisonment and/or a $2,000 fine.

Hoover said all six men were "active participants in affairs of Clarke County Klavern No. 244 of the United Klans of America, Inc., Knights of the Ku Klux Klan."

The grand jury met in extraordinary session in Athens to consider the indictments. After disposing of several minor cases Monday, the grand jury spent the rest of the week in hearing evidence in the civil rights case.

The jury adjourned early Thursday to watch the World Series on television then continued deliberations Friday morning.

Guest, Lackey, Myers and Sims were arrested by the FBI Aug. 6 on the same civil rights charge for which they were indicted. They were arrested in connection with the July 11 slaying of Penn, director of adult and vocational education in Washington.

The federal government later stepped aside temporarily to allow Georgia to prosecute the four men.

After a five-day trial, a Madison County Superior Court jury acquitted Myers and Sims on Sept. 4.

Calvin Craig, Klan grand dragon, announced in Atlanta Friday the Klan would do everything possible to aid the Athens men and he charged that President Lyndon Johnson "is trying to persecute the Klan to help his political campaign."

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# More held in Athens

Two Clarke County men, a mechanic and a loom fixer, were added to the quartet already charged with civil rights violations and the six were indicted by a federal grand jury Friday, J. Edgar Hoover, Federal Bureau of Investigation chief anounced.

Denver Willis Phillips, 24, of 174 Strong St., Athens, a mechanic at the Guest Garage, 125 E. Hancock St., Athens, and George Hampton Turner, 32, of Hull, a loom fixer, were under bond in Clarke County Jail Saturday.

They are under indictment on charges stemming from the shooting into a car on a lonely highway in Madison County last July 11, an incident which left Negro Washington educator Lemuel Penn dead.

★

Re-arrested and released a few hours later under an added $1,000 bond was Herbert Guest, Athens garage owner, who in addition to being charged with civil rights violations is now charged with possession of a shotgun with a barrel with an over-all length of less than 26 inches—which has not been registered with the secretary of the Treasury.

One of the other three indicted by the grand jury Friday is still in jail. James Lackey is in Bibb County Jail at Macon where he still faces a state charge of murder in addition to the civil rights charges.

The other two — Joseph Howard Sims, 41, and Cecil William Myers, 25, both of Athens —were acquitted on a charge of murder in connection with the incident on Sept. 4 by a Madison County jury and are out on $25,000 bond on a civil rights charge.

If convicted on the civil rights charges, the men could receive a maximum penalty of 10 years in prison and-or $5,000 fine.

If convicted on the illegal shotgun charge, Guest could receive a five-year sentence and-or a $2,000 fine.

In the indictment the government alleges the six men, "conspired to injure, oppress, threaten and intimidate Negroes by shooting Negroes, beating Negroes, killing Negroes, damaging and destroying property of Negroes, and pursuing Negroes in automobiles and threatening them with guns."

Guest, Sims, Myers and Lackey were picked up last Aug. 6 and charged with civil rights violations. On Aug. 25, all but Guest were indicted on a state charge of murder.

★

Lackey allegedly turned state's witness and a deposition was read in court when Sims and Myers were tried together.

The defense discounted the testimony and Lackey's attorney repudiated it and the two men were acquitted by a Madison County jury.

The federal grand jury went into special session last Monday and after disposing of routine business they settled down to consider the civil rights violation case and returned the indictments Friday.

66 OCT 30 1964

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

8

Page 1
The Atlanta Times,
Atlanta, Georgia

Date: 10/17/64
Edition: Georgia
Author:
Editor: LUKE GREENE
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

1 44-1-25873-
NOT RECORDED
OCT 27 1964

## *Athens Klansman arrested*

FBI Agent Bob Kane escorts Ku Klux Klansman George Turner, 32, a loom repairman, to a waiting car after he was arrested on a charge of conspiring to injure and intimidate Negro citizens. The arrest stemmed from an investigation of the slaying of Lemuel Penn, prominent Washington, D.C., Negro educator. (by United Press International)

From News Dispatches

ATHENS, Ga., Oct. 16—Six men, including the Ku Klux Klansmen acquitted in the murder of Washington educator Lemuel A. Penn, have been indicted by a Federal grand jury on charges of intimidating Negroes in northeast Georgia.

Three were arrested in Athens today, the Justice Department said.

FBI Director J. Edgar Hoover said all six were active in Clarke County Klavern 244 of the United Klans of America.

The three picked up today were:

- Denver Willis Phillips, 24, an Athens garage mechanic who was a witness at the Penn trial in a state court earlier this year.
- Herbert Guest 37, operator of the garage and another witness at the trial, who had also been arrested in the Penn killing.
- George Hampton Turner, 32, an Athens loom fixer who lives in Hull, Ga.

The three suspects were accused in one indictment along with Cecil Myers, Joseph Howard Sims and James S. Lackey, of a conspiracy that included "shooting Negroes," "beating Negroes," and "pursuing Negroes in automobiles and threatening them with guns."

Myers and Sims were tried in September for Penn's death, but were acquitted by an all-white jury in neighboring Madison County.

Guest had been arrested with them on the state murder charge, but it was dropped during the trial to overcome objections to his testimony. Prosecutors said then that they did not have enough evidence at the time to support the murder charge against Guest.

Lackey, who has not been tried in the Penn killing, is still in jail on the murder charge.

Myers and Sims are free on $25,000 bond each for the Federal charges. They initially had been arrested by the FBI in August on the strength of Federal warrants.

PHILLIPS
TURNER
LACKEY
SIMS
GUEST
MYERS
. . . indicted in Georgia

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Martindale

O Penn

Penn
44-25873

The Washington Post and Times Herald A-3
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 10-17-64

File
6-44

44-25873-A

F76

58 OCT 22 1964

6-18 (Rev. 5-27-63)

Tolson ✓
Belmont ✓
Mohr
Casper
Callahan
Conrad
DeLoach ✓
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Penn Trial Judge Irked By Press

HARTWELL, Ga., Sept. 15 (AP)—The judge who presided over the trial in which two white men were acquitted in the slaying of Washington Negro educator Lemuel Penn says some press reports of the trial were distorted.

Superior Court Judge Carey Skelton did not elaborate, but he said he was referring to numerous instances contained in certain newspapers and magazines outside the state.

Skelton ordered a full transcript of the trial to be sent to the president of the American Bar Association and United States Attorney Floyd M. Buford of Macon.

Associates said the distorted reports caused the judge to receive a steady stream of abusive letters, telephone calls and telegrams questioning the humanity of Georgians and the quality of justice in the area.

A white jury on Sept. 4 freed Joseph H. Sims, 41, and Cecil W. Myers, 25, both of Athens, Ga., of murder charges in the shotgun death of Penn.

File 6-44

The Washington Post and Times Herald 173
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date SEP 16 1964

44-25423-

NOT RECORDED
191 SEP 22 1964

67 SEP 23 1964 237

NOT RECORDED
191 SEP 22 1964

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# 2 Klansmen Acquitted In Slaying of Penn, Still Face U.S. Charge

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. [illegible]
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. [illegible]
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution, Atlanta, Georgia

Date: 9/5/64
Edition: Morning
Author: JACK NELSON
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

Being Investigated

44-25873-A

NOT RECORDED
191 SEP 15 1964

7 0 SEP 17 1964

# Jury Stays Out for 5½ Hours

By JACK NELSON and BILL SHIPP
Constitution Staff Writers

DANIELSVILLE, Ga.—An all-white jury Friday night found two Ku Klux Klansmen innocent of the night-rider slaying of a prominent Washington, D.C., Negro educator after considering the case for more than five hours.

After court was recessed at 10:14 p.m. and the judge had left the bench, there was a small amount of applause and a few cries of jubilation from friends and families of the defendants. The jury had been given the case at 4:40 p.m.

Both Sims and Myers were returned to the Madison County Jail, where they will be held on the federal charge of violating Penn's civil rights.

Attorney Jim Hudson said he will ask for a bond reduction Saturday. Bonds were $25,000 each.

When the verdict was reached several persons applauded and cheered. Judge Carey Shelton rapped for order.

CLOSED EYES

Just before the jury filed into the room, Sims and Myers lowered their heads and closed their eyes. But they opened their eyes and watched intensely as the jurors filed into the box.

Sims, in answer to a question, said he was worried when the jury remained out for a while after supper but he said the verdict was "the only one they could bring in and be fair."

Asked if he would continue to be active in the Klan, Sims said, "I couldn't tell you that even if I knew."

MYERS SHAKEN

Myers was pale and shaken and said he had no comment. Sims had remained calm throughout the trial and only minutes before the verdict came in he had talked and joked with members of his family and other relatives standing near the defense table.

Just before the verdict, Sims refused to talk with an Atlanta Constitution newsman. He said the reason was that four years ago the newsman wrote a story about slot machines in Athens' American Legion Post 185, of which Sims said he was a member.

Sims told the reporter, "You cost us thousands of dollars and you are the one reporter in this courtroom I won't talk to."

He cursed the reporter.

The small town square around

the courthouse was jammed with traffic and milling people. Men in overalls and slacks and sport shirts, women and some children milled about the tree-lined courthouse.

**FATHER OF 8**

Sims is the father of eight children, Myers the father of three.

Sol. Gen. Clete Johnson shook hands with Sims and Myers and congratulated them on the verdict. Special state prosecutor Jeff Wayne had returned to Gainesville and was not present.

Mrs. Sims said, "I'm overjoyed. I've prayed for this."

For the first time during the trial, she broke down and wept. Both she and Mrs. Myers dabbed at their eyes with handkerchiefs.

The children of the defendants were not present when the verdict was read.

Mrs. Myers is expecting a fourth child at any time.

"This (the verdict) will probably do it," she said.

Defense counsel Jim Hudson, John Darsey and Harold Boggs all smiled broadly at the verdict and congratulated their clients.

Athens FBI agent Robert Kane, who sat at the prosecution table throughout the trial, took the verdict without comment or show of emotion.

Although many FBI agents had testified and been around the courthouse during the trial, only Kane remained for the verdict.

The two defendants, their attorneys and several police officers and a flock of well-wishers went across the street from the courthouse to the law office of Boggs for pictures and interviews.

Among the well-wishers was Mrs. Louise Tucker of Athens, who is Sims' sister.

"When God is on your side man can't harm you," she said.

Boggs, who played a leading role in the jury selection, said, "The jurors were men of integrity who can analyze a situation placed before them by the prosecution. The prosecution did not place enough evidence before them, and they returned a verdict of not guilty."

Several men who had been pointed out as Klansmen by law officers rushed up to shake hands with both Sims and Myers.

Among those in the audience was Mrs. James Lackey, wife of a codefendant in the case. Lackey had been scheduled to be tried next week, but Sol. Johnson said that in view of the verdict in the Myers-Sims case Lackey definitely would not be tried this term of court. The solicitor earlier had indicated that an acquittal verdict for Sims and Myers would mean Lackey would not be tried.

Almost an hour after the verdict, well-wishers still were flocking to the office of defense counsel Boggs across the street from the courthouse.

There was jubilation and laughter as friends and relatives crowded around congratulating the two Klansmen.

C. S. Logan, 64-year-old retired merchant, was foreman of the jury.

When Sims and Myers were taken from the courtroom for supper they stopped at the doorway and shook hands with Sol Gen. Johnson. "No hard feelings," Sims said, and Johnson replied, "There's nothing personal in this."

Sims and Myers smiled and Sims said, "I know it or I wouldn't be doing this."

PATROL ESCORTS JURY

Two State Patrol cars and a sheriff's car took the jurors to supper at a truck-stop seven miles from here at 6:40 p.m. They returned to the court at 8:40 p.m. to resume deliberation.

A large crowd remained at the courthouse Friday night awaiting a report from the jury room.

During the trial, a group of 15 to 30 Negroes has been sitting in the small balcony set aside for them, but all Negroes left the courthouse after the case went to the jury. During the night, while the main courtroom was filled with white persons with others standing outside, the darkened balcony remained empty.

52-MINUTE CHARGE

Defense attorneys argued that the state presented a "sham" case based on circumstantial and irrelevant evidence and confessions which defense attorneys said were obtained by the Federal Bureau of Investigation through intimidation and promise of reward.

Judge Skelton took 52 minutes in charging the jury before the 12 men began weighing the fate of Myers and Sims.

The state relied heavily on a confession by Lackey, a co-defendant. The defense introduced a statement from Lackey in which he repudiated the confession and said he had been harassed by the FBI into making the admission.

SLAIN ON ROAD

The state contended that statements by Lackey and Howard Guest, who also was charged as a coconspirator, together with other evidence and testimony, proved Sims and Myers guilty. A murder warrant against Guest was dismissed during the course of the trial.

(Penn, director of Vocational and Adult Education in Washington, D.C., was slain July 11 in Madison County while he and two other Washington Negro teachers were enroute home from reserve Army training at Fort Benning. President Lyndon B. Johnson ordered the FBI into the case. Agents arrested Myers, Sims, Lackey and Guest on Aug. 6 and charged them with conspiracy to violate the Civil rights laws in killing Penn. All but Guest were later indicted for murder.)

ALIBIS OFFERED

The prosecution, led by Johnson and special prosecutor Jeff Wayne, solicitor-general from the neighboring Northeastern Circuit, took 3½ days to present its case.

The defense, relying on two alibi witnesses and unsworn statements by Sims and Myers who proclaimed their innocence, required two hours.

Sol. Gen. Johnson, usually mild-mannered and soft-spoken, delivered the first closing argument to the jury. Courtroom observers said it was one of the most stirring speeches they had ever heard Johnson deliver.

Johnson went over the evidence in the case point by point. He declared the state had proved the defendants shot to death Lemuel Penn early on the morning of July 11 in Madison County. He called it "just as much an assassination as when President Kennedy was shot down."

The bespectacled prosecutor said the Negro educator was slain with a motive of "hate and violence."

"Lemuel Penn was born a Negro. He came into this world with black skin. Is that a crime? Would that justify taking a shotgun and blowing his head off because he is black?" Johnson asked the all-white male jury.

He referred to the defendants as night-riders "looking for trouble and trying to take the law into their own hands.

"Now, gentleman, that's not right," Johnson exclaimed.

"Something ought to be done to stop this night-riding with pistols and shotguns."

He urged the jury to return a verdict that "will not be the ridicule of this country."

"The honor of the great state of Georgia is on trial here today," he shouted. He accused Sims and Myers of bringing their wives and children to court during the trial "for the purpose of creating sympathy with the jury" and he said the families "would be better off without . . . living with murderers." He asked the death penalty.

IS CONGRATULATED

When the jury filed out for recess after Johnson's fiery argument, a dozen or more persons including Defense Counsel Hudson walked up to Johnson, shook his hand and congratulated him on the presentation.

When the jury returned, it was Hudson's turn to argue and he immediately began hammering away at the validity of the statements the FBI obtained from Lackey and Guest.

Scowling, frequently pounding his fist on the jury box and speaking in a loud nasal twang, Hudson declared:

"This ain't no car theft case and this ain't no guitar-picking on-Sunday case. This is a murder case."

He accused the FBI and state prosecutors of attempting to send Sims and Myers to the electric chair with circumstantial and irrelevant evidence and statements not freely and voluntarily given.

PYSCHIATRIST QUOTED

The 35-year-old defense attorney reminded the jury that a psychiatrist had testified Lackey was mentally ill, a man with a paranoid personality who "doesn't trust anybody in the

world. He thinks he has a misshapen head and thinks people stare at him and laugh. And he has completely repudiated everything he said in the statement."

He noted that FBI Agent Jack Simpson admitted telling Lackey the FBI sometimes pays as much as $3,000 for information in "complicated cases such as this."

"What do you think this meant to James Lackey, a mentally ill person working in a filling station?" Hudson demanded. "Lackey's confession is the only thing that remotely connects these men with the scene of the crime, and even he said it wasn't so."

In a rafter-ringing, arm-waving argument that left him soaking with sweat and on the verge of exhaustion, defense attorney Darsey told the jurors that FBI agents had been ordered to go to Madison and instructed, "Don't come back until you bring us white meat."

For the first 26 minutes of his hour-long argument, Darsey, railing at what he called "carpet-bagging administration of justice," never mentioned the evidence in the case.

He spoke of FBI agents swarming into this area under orders of President Johnson and "infiltrating our land." Ringing his hands and mopping his brow with an already soaked handkerchief, Darsey paced back and forth in front of the jury. He sometimes shouted so loudly that all of his words could not be clearly understood.

Once the 60-year-old Commerce attorney apologized for being "over-zealous." But he said his mind was "bothered" by the case.

Cecil W. Myers, Left, and Joseph H. Sims Are Freed by Jury.

10 (Rev. 5-27-63)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
Dalbach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Jury Acquits 2 in Penn Slaying

## Klansmen Face New Action on Rights Charges

### Verdict Sets Off Surge of Emotion In Georgia Court

DANIELSVILLE, Ga., Sept. 5 (AP).—Two white men have been acquitted in the night rider slaying of Lemuel Penn, Negro educator from Washington, D. C., but still face Federal conspiracy charges under the new civil rights law.

Joseph Howard Sims, 41, and Cecil William Myers, 25, heard the verdict last night after a jury of white men deliberated slightly more than three hours.

A gasp and murmur arose from relatives and friends. Superior Court Judge Cary Skelton rapped for order. Relatives of the two men wept. Sims and Myers hugged their wives. They were surrounded by well wishers.

Sims and Myers identified as Ku Klux Klansmen, still face Federal charges of conspiring to injure, oppress, threaten and intimidate Mr. Penn and two

SEP 14 1964

F76

The Washington Post and Times Herald
The Washington Daily News
The Evening Star H-1
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date SEP 14 1964

NOT RECORDED
191 SEP 14 1964

Mr. Penn was killed July 11 by a shotgun blast by assailants in a passing car. Mr. Penn, an Army reserve lieutenant colonel, and two other Negro officers were en route home to Washington from the reserve duty at Fort Benning.

**Under $25,000 Bond**

Sims and Myers will remain in custody of the Madison County sheriff until they can be turned over to Federal officers. Both are under bonds of $25,000.

Sims said, "We hope to post bond, and negotiations are now under way between our lawyers and the Federal Government to try to have the bond reduced.

"We think the bond is unreasonable since the fine for the charge is only $5,000."

The maximum penalty on the Federal charge in addition to the fine is a 10-year prison term. They must be indicted first, however, by a Federal grand jury which would not normally meet until early next year.

Asked by reporters how they could meet the bond, defense attorney James Hudson said, "These boys got a lot of friends, and we do, too."

**"No Stone Unturned"**

Prosecuting attorney Clete Johnson, who asked for the death penalty, said after the verdict:

"I'm disappointed. We left no stones unturned but the jury had the last say."

Mr. Myers said, "I dropped my head when I heard the verdict and said, 'thank you, Lord'."

A court-appointed defense lawyer, John Darsey, in an impassioned plea for acquittal, hammered at the racial issue and the Federal government.

"They loosed a horde of Federal agents in our midst," he said, waving his arms and slapping the jury box.

Then, dramatically lowering his voice, he added, "President Johnson sent them swarming in."

Mr. Darsey called the FBI

Mr. [redacted] was killed July 11 by a shotgun blast by assailants in a passing car. Mr. Penn, an Army reserve lieutenant colonel, and two other Negro officers were on route home to Washington from the reserve duty at Fort Hanning.

Under $50,000 Bond

Sims and Myers will remain in custody of the Madison County sheriff until they can be turned over to Federal officers. Both are under bonds of $25,000.

Sims said, "We hope to post bond, and negotiations are now under way between our lawyers and the Federal Government to try to have the bond reduced.

"We think the bond is unreasonable since the fine for the charge is only $5,000."

The maximum penalty on the Federal charge in addition to the fine is a 10-year prison term. They must be indicted first, however, by a Federal grand jury which would not normally meet until early next year.

Asked by reporters how they could meet the bond, defense attorney James Hudson said, "These boys got a lot of friends, and we do, too."

"No Stone Unturned"

Prosecuting attorney Clete Johnson, who asked for the death penalty, said after the verdict:

"I'm disappointed. We left no stones unturned but the jury had the last say."

Mr. Myers said, "I dropped my head when I heard the verdict and said, 'thank you, Lord'."

A court-appointed defense lawyer, John Darsey, in an impassioned plea for acquittal, hammered at the racial issue and the Federal government.

"They loosed a horde of Federal agents in our midst," he said, waving his arms and slapping the jury box.

Then, dramatically lowering his voice, he added, "President Johnson sent them swarming in."

Mr. Darsey called the FBI

"carpetbaggers of justice" and referred repeatedly to the jury as "this Anglo-Saxon jury."

His face flushed, Mr. Darsey pointed his finger at the jury and shouted:

"Never let it be said that a jury in Madison County—of Anglo-Saxon men—will convert the electric chair of this State into a sacrificial altar to satisfy the savage appetite of the clamoring mob."

Prosecutor Jeff Wayne warned the jury that if the killing was condoned, "human life has less value than a box of snuff."

Mr. Hudson, the defense attorney, lapsing into the vernacular of the region, appealed to the jury composed mostly of farmers and laborers:

"You can't, after you electrocute them—and these children ain't got no daddy—come back and say you wonder if they did it."

Sims has eight children and Myers is the father of three. His wife is expecting another child.

### Assails Statement

Mr. Hudson hit hard at a statement of James S. Lackey, also charged with the murder, who implicated himself with the other two men. Lacker later repudiated the statement.

State prosecuting attorneys said the State murder charge against Lackey probably would be dropped. He still faces Federal charges of conspiracy, however.

A fourth man, Herbert Guest, was named in the murder warrant, but the State dropped this charge during the trial.

Lackey's statement, introduced in evidence, said he drove the car and Myers and Sims shot Mr. Penn.

A statement by Guest, which he said he could not remember making, said he heard Myers and Sims talk of killing Mr. Penn.

Joseph Sims and Cecil Myers (in shirt sleeves) clasp hands with their attorneys after being acquitted last night of the slaying of Lemuel Penn.—AP Wirephoto.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Sims and Myers Deny Killing Penn, Attemp To Establish Alibis

SEP 11 1964

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. [illegible]
Mr. Evans
Mr. Gale
Mr. [illegible]
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution, Atlanta, Georgia
Date: 9/4/64
Edition: Morning
Author: JACK NELSON
Editor: EUGENE PATTERSON
Title: (C PENVIC)

Character: RM
or
Classification:
Submitting Office: Atlanta

Being Investigated

44-25873-1

NOT RECORDED
191 SEP 11 1964

# Lackey's Denial Put Into Record

By JACK NELSON
and BILL SHIPP

DANIELSVILLE, Ga.—Cecil William Myers and Joseph Howard Sims told a Madison County jury in brief unsworn statements Thursday that they are innocent of the charge of murdering Negro educator Lemuel Penn.

And defense attorneys entered into evidence a statement by James Lackey in which he repudiated a confession implicating himself, Myers and Sims in the slaying of Penn on July 11.

In its two-hour presentation the defense also produced two witnesses in an attempt to establish alibis for Sims and Myers at the time of the murder.

SLAIN ON JULY 11

Penn was killed by a shotgun blast about 5 a.m. July 11 as he and two other Negro educators were driving through Madison County en route to Washington D.C., from Army reserve officers training at Ft. Benning, Ga.

A Federal Bureau of Investigation probe ordered by President Lyndon B. Johnson resulted in the arrest Aug. 6 of Myers, Sims, Lackey and Herbert Guest on charges of violating Penn's civil rights.

Murder indictments were returned against all but Guest.

HEARING ARGUMENTS

The jury will hear arguments Friday morning in the Sims-Myers case and is expected to begin its deliberations during the day.

The defense opened its case after the state rested at 12:05 p.m. Thursday in the fourth day of the trial in Madison County Superior Court.

Shortly before, special prosecutor Jeff Wayne read into evidence three statements obtained by the FBI from Guest, operator of an Athens garage.

On the Sunday following Penn's slaying, the statement quoted Guest, "I overheard them (Myers and Sims) say that they felt the car that they shot at had gone into the river and missed the bridge . . ."

STATEMENTS CONTINUE

On Monday, July 13, according to Guest's statement, "they told me they were the ones that shot at the car in which Penn was killed."

Guest himself was put on the stand and questioned about the statements. But on the advice of defense attorney Jim Hudson he refused to answer 13 questions on the grounds that the answers would tend to incriminate him.

After the noon recess the defense opened its case by calling Sims to the stand. Sims, a heavy-set Athens machinist, turned slowly toward the jury from the witness box and said in a calm, deliberate voice:

"I am innocent of this. I had nothing to do with the killing of Lemuel Penn. . . . I believe I was in Athens at the time. . . ."

Sims was not sworn and under Georgia law he could not be cross-examined. Then Myers took the stand and said in an unsworn statement:

"I can assure you that I had

nothing to do with the killing of Lemuel Penn. . . . I believe I was in Athens at the time. . . .

The men spoke no more than 30 seconds each.

Then Hudson called John W. (Billy) Williford, an Elberton attorney representing Lackey.

Williford testified he had received a statement repudiating Lackey's confession from Lackey when he visited him in jail. He also said the repudiation was made before Judge Carey Skelton appointed him to represent Lackey.

(The high point of the state's case Wednesday was reading into the record a statement by Lackey in which he said he was driving the automobile when both Sims and Myers fired into the car in which Penn was killed.).

After Williford testified concerning the repudiation, Hudson read it into the court record.

Lackey, addressing his repudiation to the Madison County Grand Jury and the federal grand jury of the Middle District of Georgia, said he implicated Myers, Sims and Guest "under fears and threats."

MENTIONS REWARD

The repudiating statement continued:

"I was told by federal investigator (Jack) Simpson that if I gave information helping to arrest or convict the killer of William (sic) Penn that the federal government would see that I was well taken care of at all times. He told me that in cases such as this that the government has started with a $3,000 reward and gone higher."

The statement also contended Lackey had been harassed for 30 days and that his wife suffered a miscarriage during that period.

Before closing its case Thursday, the state introduced four additional signed statements—all taken Aug. 6—which the FBI had secured from Lackey. The statements dealt both with the night of the Penn murder and with other activities which Wayne had argued constitute a conspiracy by the defendant and others to intimidate and harass the Negro race.

CAME FROM GARAGE

In one of the affidavits Lackey is quoted as saying that the sawed-off shotgun used by Myers in this shooting came from Guest's garage. Sims used his own shotgun as far as I know."

According to the statement, when Sims, Myers and Lackey returned to Guest's garage from the scene of the shooting they saw Thomas E. Folendore and he "asked us in a stuttering voice, 'What have you all been up to?'

"Howard Sims told Folendore to 'get the hell out of here and mind your own business.'"

Folendore had testified earlier in the trial of seeing Sims, Myers and Lackey at the garage after 5 a.m. on July 11.

According to another Lackey statement, six or seven weeks before Aug. 6, Sims, Myers, Guest and Denver Phillips, were driving down Broad Street in Athens after "attending a Klan rally at Covington."

The men saw a Negro and thought he "hollered" at them, according to the statement, and they stopped.

"Guest and Sims asked a Negro boy on the sidewalk what he wanted, he replied, "Nothing, boss man; nothing boss man.'"

Then, according to the statement, a car containing three or four Negroes passed by and fired a shotgun into the car in which Lackey and the other men were riding. Lackey's statement said the Negroes' car was chased and that Sims and Guest "fired shots from their revolvers at this car."

NEGROES DRIVE BY

Another Lackey statement related that at about 10 p.m. July 4, "after the Klan meeting," Lackey and a group of other men were standing in front of Guest's garage when four Negroes drove by in a car.

Sims, Myers and Lackey, all armed, followed the Negroes through Athens to a Negro cafe, according to the statement. Lackey was quoted as saying the Negroes jumped from their car and ran into the cafe.

Dr. J. A. Jordan, an Athens psychiatrist, testified that Lackey had a "low borderline" mentality with an IQ of about 9[illegible]. He also said Lackey had a "paranoid personality." He defined a paranoid as an individual who is "extremely suspicious and distrustful of others."

DOCTOR QUOTES

He quoted Lackey as telling him the FBI tried that "buddy buddy stuff on me. That didn't work." Dr. Jordan also quoted Lackey as telling him in an interview in the Elbert County jail that investigators "tried money on him, and that didn't work."

Finally, according to Dr. Jordan's testimony, Lackey said the FBI told him his friends "were putting his neck in a noose."

Under cross-examination, Dr. Jordan said Lackey was not mentally incompetent, that he apparently was not given to lying habitually and that Lackey told him he did not want his "little girl going to school with colored folks."

ATTORNEY TESTIFIES

Attorney Hudson took the stand himself and gave sworn testimony that it took him 31 minutes to drive from the Open House Restaurant in Athens to the bridge near which Penn was slain.

Mrs. Ruth Bertling, who lives about six miles from Athens, testifying for the defense, swore she saw Myers at the Open House Restaurant at about 4:45 or 4:50 a.m. July 11.

The state's evidence has indicated Penn was shot to death about 5 a.m.

Another defense witness, Clyde Harper, Athens businessman, testified he was at the restaurant from about 3:40 a.m. until after 5 a.m. only July 11 and saw Sims and Guest there during that time. He swore he never saw either man leave the restaurant during that period.

Walter Reynolds, Athens Post Office employe, called as a rebuttal witness for the state, testified he saw Sims and Guest and two other men drive up to the restaurant a "little after 5 a.m. on July 11.

Special prosecutor Wayne called to the stand FBI Agents Jack Simpson and Clarence A. Brom, GBI agent M. S. Callaway, Madison Sheriff Dewey Seagraves and Sol. Gen. Clete Johnson, all of whom testified Lackey acknowledged in their presence he was giving his statements to the FBI freely and voluntarily.

Simpson did acknowledge, however, that during "general conversation" he told Lackey that in "complicated cases" in which the government spends a lot of money and used many agents, it sometimes will "pay as much as $3,000 for information."

AGENT DENIES OFFER

Under persistent questioning by Hudson, Simpson denied he had ever offered any money or other reward to Lackey.

Among other witnesses called by the state were FBI Agents Arthur F. Hamilton and William Watry.

Both men testified that when they interviewed Guest on three occasions he was alert, suffered no blackout spells and did not fall down any stairs.

Guest earlier told the court that when he was questioned by the FBI he was ill, he fainted and fell on the stairway.

Watry said, however, that he asked Guest to accompany him

to the FBI office in the Athens Post Office and Guest agreed that he would but he refused to wear his shoes.

Hudson asked both men about a birthday cake which they gave Guest on July 31, the garage operator's 37th birthday.

Hamilton acknowledged they gave Guest the cake but he said they did it out of "friendship" and not as a reward for making statements about the Penn slaying.

Guest, now charged only with a federal civil rights conspiracy count, was released from jail under $25,000 bond Thursday afternoon. A murder warrant against him has been dismissed.

Others who appeared were:

FBI Agent Charles A. Ferguson who testified he took the two shotguns introduced into evidence to the FBI Crime Laboratory in Washington.

Robert Zimmers, FBI firearms specialist, testified the shots with which Penn was slain could have come from one of the guns. However, he admitted, it could have also been fired by "millions" of other shotguns.

Dr. Larry Howard, assistant director of the Georgia State Crime Laboratory, testified the shots and pieces of wadding he took from Penn's body and the death car could have been fired by one or both of the guns questioned.

-2 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# Lackey's Repudiation Of His First Statement

Constitution State News Service

DANIELSVILLE, Ga.—The following is a repudiation of a statement made by James S. Lackey which was tendered into evidence by the defense in the murder trial of Cecil Myers and Howard Sims, accused of killing Negro educator Samuel Penn.

Attorney John W. Williford testified the repudiating statement was made while Lackey was in the Bibb County jail.

The text read into evidence follows:

"Aug. 21, 1964.

"To Madison County grand jury and the federal grand jury of the Middle District of Georgia.

"I, James Spurgeon Lackey, at this time, would like to call your attention that all statements made to Federal Bureau of Investigation agents implicating, namely, Cecil Myers, Howard Sims, Herbert Guest, and any others has been made under fears and threats.

"After harassment for a period of 30 days with the loss of sleep and continued interrogation after this my mental condition was at its lowest ebb and I was only glad to make any statement or sign.

"My wife went through a miscarriage because of all this pressure, because of all this harassment and continued intimidation.

"I was told by federal investigator Simpson that if I gave information helping to arrest or convict the 'killer' of William Penn that the federal government would see that I was well taken care of at all times. He told me that in cases such as this that the government has started with a $3,000 reward and gone higher.

"I would like to be called before a grand jury and repudiate all statements that have been made or signed by me because of my mental condition at that time.

CLEARING CONSCIENCE

"I am making this statement within my own power. I am under no threat or duress. I am doing this to clear my conscience for the harm I've done my codefendants. Signed James S. Lackey."

(The statement is witnessed by the signatures of eight persons who Williford testified were inmates of the Bibb County jail when Lackey wrote the two-page document.)

(Indicate page, name of newspaper, city and state.)

Page 10
The Atlanta Constitution,
Atlanta, Georgia

Date: 9/4/64
Edition: Morning
Author:
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

44-35873-A

NOT RECORDED
191 SEP 11 1964

File
6-Apr

SEP 11 1964

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Myers, Sims Deny Slaying

## Repudiation of Confession Admitted Into Trial Evidence

By PAUL VALENTINE
Atlanta Journal Staff Writer

DANIELSVILLE, Ga., Sept. 3 — Ku Klux Klansmen Cecil Myers and Joseph Sims flatly denied at their murder trial here Thursday that they killed Negro educator Lemuel Penn.

Both men took the stand in the afternoon and claimed their innocence in unsworn testimony. Each spoke briefly, and because their testimony was unsworn they were not subject to cross examination.

Also in the rapidly developing series of events, presiding Judge Carey Skelton admitted into evidence a strongly worded repudiation by a third of ed repudiation by a third Klansman in the Penn case, James Lackey, of an alleged confession.

Sims said, "I am innocent of this."

Myers said, "I can assure you I had nothing to do with this case."

Both said they believed they were in Athens at the time the crime was reported to have occurred in a remote section of Madison County, 23 miles to the northeast.

LACKEY'S repudiation said that all statements he made to the FBI implicating himself, Myers and Sims were made "under fears and threats."

He said he was subjected to harassment during interrogations. When his "mental condition was at its lowest ebb," he was "only glad to sign any statement."

He said his wife had a miscarriage as a result of his treatment at the hands of federal agents.

The repudiation said FBI agents promised him the go-

68 SEP 11 1964

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journal
Atlanta, Georgia

Date: 9/3/64
Edition: Final
Author: PAUL VALENTINE
Editor: JACK SPALDING
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

Being Investigated

44-25873-A
1
NOT RECORDED
191 SEP 11 1964

ernment would see to it he would be "well taken care of" if he made a statement.

Lackey said he repudiated the confession to "clear my conscience."

Earlier Ku Klux Klansman Herbert Guest declared in an FBI statement introduced in the trial here Myers and Sims told him they fired guns into the car in which Penn was killed July 11.

The statement, introduced over strenuous objections by defense attorneys, came on the heels of the confession by Lackey introduced Wednesday. In that statement, Lackey said he was the driver of the car from which Myers and Sims fired two shotgun blasts as they overtook the Penn car in a remote section of Madison County.

THE STATE rested its case after 25 witnesses had taken the stand in three days of testimony.

Lackey is also charged with murder, but is to be tried separately from Sims and Myers. Guest was originally charged with murder, but Sol. Gen. Clete Johnson agreed Wednesday to dismiss the warrant.

Guest said in his statement he heard Sims sometime in the morning after the shooting on July 11 speaking to an employe at his garage, Thomas Folendore. He said Sims was "hollering at Folendore . . . (that he) 'should not be nosing in other people's business.'"

The Guest statement said Sims was carrying a shotgun in his hand.

THE STATEMENT further said that on July 12 Sims and Myers "told me that they were the ones that shot at the car in which Penn was killed."

Guest also quoted Sims as saying, "If I go up the creek on this one, there'll be a lot of sons-of-bitches go up the creek before I do."

The statement said, "Sims has also stated since that time that he and Myers were concerned over Lackey cracking."

Guest, against whom a murder warrent in the Penn case was issued but then dismissed Wednesday by Sol. Johnson, testified, "I don't remember anything about signing a statement or making a statement" to the FBI.

He said that during the period of interrogation he was weak, hungry and extremely fatigued from lack of sleep. He said at one time while he was in the Athens Post Office with the FBI he fell to the floor.

Defense attorney James Hudson objected to introduction of the Guest statement into the trial on grounds federal agents had coerced it improperly from Guest.

FBI AGENT Arthur Hamilton, who said he interrogated Guest, denied offering him any favor or making any threats. He said Guest was "completely alert" during the questioning.

He said he never saw Guest fall to the floor but said he tripped in the glare of a news cameraman's lights as Guest was being escorted from the FBI office in the Athens Post Office.

Hamilton and another FBI agent, William Watry, also said Thursday they presented a birthday cake to Guest on July 31, his birthday.

Attorney Hudson asked Hamilton if the cake was intended as a reward for submitting his statement. The agent denied it.

Hamilton testified the cake was given to Guest because "our relations with Guest have been cordial. We just wanted to give him a birthday cake."

THE PROSECUTION also introduced into evidence Thursday two 12-gauge sawed - off shotguns with pistol grips. Hudson objected to them, arguing they had not been related to the Penn killing, or to Myers and Sims.

Agent Hamilton said he got one of the shotguns from Guest's garage in Athens and the other from Guest's home.

Robert Zimmers, FBI firearms identification specialist from Washington, testified there is no way of matching the shotgun pellets found in the Penn car and in Penn's body with the shotguns introduced into evidence at the trial. He said he could specify only that the pellets in Penn's body were fired from a 12-gauge gun.

Wednesday, over defense attorneys' protests, Judge Skelton admitted into the trial a written confession by Lackey concerning the slaying.

Sol. Wayne read the vividly worded confession late Wednesday in his booming voice. The sweltering courtroom, packed with some 200 spectators, was absolutely silent.

DURING Sol. Wayne's reading of the eight-page hand written confession, Sims and Myers sat stolidly in their chairs, staring intently at the attorney. Lackey, who is not on trial this week with Sims and Myers, was not present in the courtroom.

His case, if heard at all, will be tried separately.

Lackey's court-appointed attorney, John Williford, said Lackey has repudiated the confession since FBI agents told newsmen they had obtained it. Williford has a 3 p.m. hearing scheduled in federal district court in Macon Friday before Judge William Bootle on his motion to have the confession ruled out as evidence in Lackey's trial.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. [illegible]
Mr. Evans
Mr. Ga[illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Tavel
Mr. Tr[illegible]
Tele. Room
Miss Holmes
Miss Gandy

ADMITTED IN EVIDENCE AT TRIAL

# Text of Lackey's Statement Describing Shotgun Attack on Negroes in Car

Special to The Constitution

*DANIELSVILLE—The following signed statement, secured by the FBI from James S. Lackey, one of three defendants in the Lemuel Penn murder case, was admitted in evidence Wednesday in the trial of two other defendants, Joseph Howard Sims and Cecil William Myers, and read in open court by special prosecutor Jeff Wayne:*

"I, James S. Lackey, make the following voluntary statement to Jack R. Simpson and Clarence A. Brom whom I know to be special agents of the Federal Bureau of Investigation.

"I have been told by Special Agent Simpson that I need not make a statement and that I can consult with an attorney prior to making any statement.

"I know that this may be

File
6-N

(Indicate page, name of newspaper, city and state.)

HAYES

Page 10
The Atlanta Constitution, Atlanta, Georgia

Date: 9/3/64
Edition: Morning
Author:
Editor: EUGENE PATTERSON
Title: OPENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

44-25873-A

NOT RECORDED
191 SEP 11 1964

64 SEP 11 1964

used against me in court. No threats or promises have been made to me to get me to make this statement.

"On the morning of July 11, 1964, I was driving Cecil Myers' cream Chevvy station wagon accompanied by Cecil Myers and Howard Sims.

"At some time between 4 a.m. and 4:30 a.m. we spotted a 1959 Chevy occupied by several colored men. We trailed the car and noticed the Washington, D.C. plates. This was on Thomas Street.

"I believe Mr. Sims said 'That must be some of President Johnson's boys.'"

"We saw this car for the first time headed north on Thomas Street, Route 29 and 72 through Athens. At either the intersection of Hancock or Daugherty streets is where I believe the remark was made by Cecil Myers to follow the car.

"I was driving and I began following the car as directed by Myers who was sitting alongside me up front. Sims was sitting in the back.

FOLLOWED CAR

"Sims told me to fall back and follow the Negroes and I stayed back about 100 to 200 yards.

"We went out 29 and 72 and on to 172 highway near Colbert, Georgia.

"I asked the others what they were going to do and Sims said, 'I'm going to kill me a nigger.' Myers indicated he would help Sims.

"Both Sims and Myers told me when to pass the car occupied by the Negroes from Washington, D.C.

"When I was alongside the Negroes' car, both Myers and Sims fired shotguns into the Negroes' car.

"I drove on by the Negro car and turned around and came back.

"I didn't see the car into which the shots were fired as we returned from the area of the bridge to Athens.

"We didn't stop anywhere but drove straight back to Guest's Garage in Athens.

DESCRIBES GUNS

"Herbert Guest and a boy named 'Horse Fly' were at the garage when we arrived. Denver Phillips was also at the garage when we got back after daybreak on July 11, 1964.

"The two guns used in the shooting were shotguns. The double-barreled shotgun used by Cecil Myers was the shotgun that usually hangs on the wall of Guest's Garage. The shotgun used by Sims is his own gun which he placed in the Chevy II earlier in the evening.

"As soon as we got back to Guest's Garage both Myers and Sims cleaned the shotguns in the garage. They wiped the guns off with a rag.

NOT SURE OF DEATH

"Guest asked what had happened and Sims said, 'We shot one but don't know if we killed him or not.'"

"The original reason for our following the colored men was because we had heard that Martin Luther King might make Georgia a testing ground for the civil rights bill. We thought some out-of-town niggers might stir up some trouble in Athens.

"We had intended scaring off any out-of-town colored people before they could give us any trouble. When the Washington D.C., car was spotted on 7-11-64, we thought they might be out-of-towners who might cause trouble.

OUT OF TOWN

"Sims and Myers kept insisting that I follow the car from Washington, D.C. They had me go out of town so it wouldn't look like someone from Athens did the shooting.

"I had no idea that they would really shoot the Negro and was very surprised when two shots were fired. Sims fired one shot and Myers fired one shot.

"Right away after the shots were fired, I drove across a bridge and up a hill and turned around. I didn't see what hap-

pened to the Negroes' car but Sims and Myers said it was swaying all over the road.

"We turned around and I drove straight back to Athens, cleaned the guns and then went to the Open House Restaurant for coffee.

BUSY DRIVING

"I only saw two people in the car from Washington, D.C., and didn't look at it after the shots were fired because I was busy driving.

"I learned what had happened between 11 a.m. and 12 noon on 7-11-64. I was surprised when I learned that the colored man had been killed near Colbert, Ga. I didn't think Sims and Myers had actually killed the man.

"I said to myself, 'Those son-of-a-bitches killed that man.'"

"I have read this eight-page statement and it is true and correct."

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. [illegible]
Mr. Evans
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Tele. Room
Miss Holmes
Miss Gandy

# Sims and Myers Fired Into Penn's Car, Says Klansman's Statement

(Indicate page, name of newspaper, city and state.)

HOLMES

Page 1
The Atlanta Constitution,
Atlanta, Georgia
Date: 9/3/64
Edition: Morning
Author: JACK NELSON
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

44-25873-A

NOT RECORDED
191 SEP 11 1964

Copy File 6-917

64 SEP 11 1964

# Lackey's Story Is Introduced

By JACK NELSON
And BILL SHIPP

DANIELSVILLE, Ga.—A statement by James S. Lackey declaring that Joseph Howard Sims and Cecil William Myers fired shotgun blasts into the car in which Negro educator Lemuel Penn was killed was introduced as evidence Wednesday in the murder trial of Sims and Myers.

The statement, read in a slow, deliberate and loud voice by special state prosecutor Jeff Wayne, electrified the crowded courtroom. Myers' wife, who is expecting a fourth child at any moment, burst into tears. She and Sims' wife were sitting in the courtroom near the defendants' table.

Myers and Sims began talking busily with each other while the statement was being read. The jury listened intently.

(Lackey's attorney, John W. (Billy) Williford, has told newsmen that Lackey has repudiated this statement. But no repudiation has been shown in open court.)

ORDERED PROBE

Penn was slain early July 11 as he and two other Negro educators were traveling through Madison County en route to Washington, D.C., after Army Reserve officer training at Ft. Benning.

President Lyndon B. Johnson ordered an immediate investigation by the Federal Bureau of Investigation which on Aug. 6 arrested Myers, Sims, Lackey and Herbert Guest, all identified as Ku Klux Klansmen, and charged them with violating Penn's civil rights.

Murder warrants subsequently were sworn against all four men and indictments were returned against all but Guest.

GUEST CALLED

Immediately after Lackey's statement was introduced Guest was called to the stand over the strenuous objections of defense attorney Jim Hudson.

Hudson agreed to withdraw his objection if the state would dismiss the murder warrant.

Sol. Gen. Clete Johnson said the state had insufficient evidence to prosecute Guest for murder and he and Wayne ordered the warrant dismissed. Guest proceeded to testify about events of early July 11.

In the Lackey statement, which was given to the FBI, Lackey said that between 4 and 4:30 a.m. he, Sims and Myers noticed a 1959 Chevrolet occupied by several colored men.

He said they trailed the car and noticed the Washington, D.C., plates.

Lackey said, "I believe Mr.

Sims said, 'That must be some of President Johnson's boys.'"

The statement continued, "I was driving and I began following the car as directed by Myers, who was sitting alongside of me in front. Sims was sitting in the back."

GOING TO KILL

According to the statement, Lackey said, "I asked the others what they were going to do and Sims said, 'I'm going to kill me a nigger.' Myers indicated he would help Sims."

Lackey said in the statement that Sims and Myers both told him to pass the car after it had been followed for some distance and, "when I was alongside the Negroes' car, both Myers and Sims fired shotguns into the Negroes' car."

Lackey said he then drove back to Guest's Garage, according to the statement, and "Guest asked what happened and Sims said, 'We shot one but don't know if we killed him or not.'"

HEARD ABOUT KING

Lackey's statement said the reason they followed the Negroes was "because we had heard that Martin Luther King might make Georgia a testing ground for the civil rights bill.

"We thought some out-of-town niggers might stir up some trouble in Athens.

"We had intended scaring off any out-of-town colored people before they could give us any trouble."

In his statement Lackey said the car was followed out of town "so it wouldn't look like someone from Athens did the shooting."

Lackey told the FBI in the statement that he didn't really think Myers and Sims would shoot the Negroes and he said he was surprised to learn later in the day that the Negro had been killed.

"I said to myself," Lackey's statement continued, "Those sonofabitches killed that man."

Lackey's statement was entered into evidence only after a hours-long legal battle between Hudson and prosecutor Jeff Wayne.

Jack Simpson, special agent for the FBI, who said he took the statements from Lackey, testified under lengthy cross-examination that Lackey made the statements to him on his own free will and after being apprised of his constitutional rights.

OTHER STATEMENTS

On cross-examination Hudson asked the FBI agent about other statements he had taken from Lackey.

After Lackey's statement was entered into evidence Wayne said that opened the way to enter the other statements into evidence. That question apparently still is pending.

After brief argument on these other statements, Wayne called Guest to the stand, Hudson stormed back with new objections, and the judge ordered the jury to leave the courtroom.

MURDER WITHDRAWN

After some argument the murder charge against Guest was withdrawn. However, the Athens garage operator remained charged with conspiracy to violate a federal Civil Rights Act. He is under a $25,000 bond.

Guest, a heavy-set, black-haired man with several front teeth missing, told the court he could not read or write except for his name.

The judge instructed him that he did not have to incriminate himself, and Guest said he did not understand what the word "incriminate" meant.

Madison County Superior Court Judge Carey Skelton explained to Guest what the word meant.

Guest then complained that he had a sore throat and could not speak very loud. The judge told him to speak into a microphone and had the sheriff furnish him with water.

The jury was returned to the box.

Guest testified that early on the morning of July 11 he was

at the Open House Restaurant with Lackey, Sims and Myers.

He said he didn't recall the time and that they went to his garage and dropped him off.

He said later in the morning Lackey, Myers and Sims returned to the garage. Prosecutor Wayne asked Guest if it were not true that one member of the trio had a sawed-off shotgun. Guest said he didn't recall.

Wayne, reading from a written statement, allegedly made by Guest, pleaded entrapment.

Guest told the court he recalled making no statement to the FBI. He said once when he was being questioned by the FBI, "I blacked out and I don't remember anything."

LOST 50 POUNDS

He also complained that since he had been in jail, "I've lost 50 pounds," and "I've been spitting up blood."

Hudson, who also is representing Guest in the civil rights case, instructed Guest not to say anything that might incriminate himself. Guest took the Fifth Amendment in answers to questions concerning a shotgun, which the prosecution said was similar to one they had brought into the courtroom.

Hudson raised new objections as Wayne continued questioning Guest. Finally Hudson moved that court be adjourned for the night.

Judge Skelton agreed and the jury was locked up for the third night. The trial opened Monday.

In setting the stage for the statement by Lackey, FBI agent Simpson withstood a barrage of defense questions fired at him by Hudson.

Simpson testified Lackey was first picked up on July 29 at 3:10 p.m., questioned and left the FBI office at 10:30 p.m.

Reading from a detailed FBI log, Simpson told the court that Lackey was given a hamburger and a pint of milk at 7:22 p.m., a cup of coffee at 5:30 p.m. and cigarets at 7:40 p.m., 8:25 p.m., and 8:54 p.m., and at 8:45 p.m. he went to the bathroom.

Simpson said at one point Lackey became "nervous and shaky" after he complained about the air conditioner. Simpson repeatedly told the court:

"He was there voluntarily."

He said Lackey was questioned in an atmosphere of "friendship and cordiality."

SIMILAR ACCOUNTS

Simpson gave similar detailed accounts of interviews of Lackey on Aug. 1, Aug. 3, and Aug. 6.

He said Lackey told the FBI on the night of Aug. 5 that he wanted to make a statement.

He made the statement, which was entered into evidence, 12 minutes after he entered an FBI interview room in the Athens Post Office at 9:35 a.m., Aug. 6. He signed the statement at 10:12 a.m.

Simpson said Lackey was not arrested at that time but he remained at the FBI office throughout the day giving other statements.

WANTED TO TALK

"He wanted to stay and talk to us and clear up all matters in which he was involved," Simpson testified.

During the afternoon Lackey was given an extended rest period and Simpson said he left the suspect. He said he returned some time later and informed Lackey that he was under arrest.

Hudson stormily interrogated Simpson about the number of FBI agents used in the investigation of the Penn killing. Wayne objected. Judge Skelton sustained the objection.

"I've never been so hamstrung in my life," Hudson grumbled. He assured Judge Skelton that he was not referring to the court.

Prior to attempting to offer as evidence the signed statement which the FBI secured from Lackey, the state produced six witnesses who testified about several times when they said they saw the two defendants and several other men wearing or carrying guns.

Wayne told the court that the testimony of the witnesses showed a conspiracy to intimidate, harass and assault Negroes.

Athens Policeman Gerald M. Flanagan testified that on July 4, seven days prior to the Penn murder, Sims and Myers walked up while he was giving directions to a Negro couple on how to get to Atlanta.

Flanagan said Sims was armed with a pistol and that Sims, after walking back and looking at the rear bumper of the car, told the couple:

"Hit 29, you black son of a bitches and get back to New Jersey where you came from."

Flanagan spoke the words forcefully and when asked by defense attorney Hudson what Sims had said, he repeated the same statement word for word.

During Flanagan's testimony Wayne asked him to identify the people standing on an Athens street corner when the Negro couple drove up to the police car.

The officer replied that they were "members of the Ku Klux Klan."

Hudson immediately jumped to his feet and asked that the jury be retired and when the jurors had left the room he asked for a mistrial on grounds that identification of the defendants as Klansmen was "prejudicial and very harmful" to the defense.

DENIES MOTION

Defense attorney John Darsey also made an impassioned plea for a mistrial and argued so loudly that Judge Carey Skelton cautioned him to lower his voice because the jury might hear his argument.

Skelton denied the motion and admonished the witness to be responsive to all questions. The judge said he thought the witness should not have said the people on the corner were Klansmen, but should have named the ones he knew.

The judge instructed the jury to disregard the statement that there were Klansmen on the corner.

Denver Phillips, a thin young man from Center in Jackson County, testified that he was working at the Herbert Guest Garage at the time Penn was murdered.

Phillips said that he went to sleep at the garage about 11:30 p.m. on July 10 and at that time Sims, Myers, Guest and Lackey were at the garage.

He said when he woke up at daylight only Guest was there.

TELLS OF GUNS

Phillips testified that he frequently had ridden about Athens with the four men when they were carrying pistols and sawed-off shotguns with pistol grips.

But on advice from Hudson, who explained to the court that he also represents Phillips in a case pending in state court, Phillips six times refused to answer questions about shooting

incidents on grounds they might tend to incriminate him.

He did testify that on one occasion the car the men were riding in was fired on by Negroes and they returned the fire.

With the jury out of the courtroom Hudson told the court that the prosecution was attempting to question the witness about a shooting at a Negro housing project.

Hudson said that Phillips is presently under a warrant and bond on a charge of assault with intent to murder in connection with the case.

Hudson said he represents Phillips in the case and was advising him at this time to take the Fifth Amendment because what he might swear could be used against him.

Bobby Gordon, a 22-year-old Athens Negro, testified that about 9:10 p.m. on July 4 he and two other Negroes, Diana Payne, 17, and Linda Payne, 14, drove by Herbert Guest's Garage in Athens and noticed there "15 or 20 men standing on the street with shotguns and pistols."

Gordon swore that three of the men jumped in a station wagon and started following his car.

He said he was "scared they might shoot us" and raced through Athens at speeds up to 55 to 60 miles per hour.

Gordon said he drove to a Negro restaurant, Bob Walker's Cafe, and he and his companions jumped out and ran into the restaurant.

The Payne girls also testified that they were followed by armed men who had been among a crowd of men at Guest's Garage.

Athens Assistant Police Chief James Hansford and officer Flanagan both testified to seeing Howard Sims in a station wagon at Walker's Cafe on July 4 at the time the Negroes were there.

Hansford said that Sims was armed.

The assistant chief also testified that at this time Sims walked up to the police car and "he asked me if I had checked out a tag number he had called in."

Hansford said he informed Sims the name of the man to whom the tag had been issued and Sims said he was interested because it was a 1963 tag being used in 1964.

Mrs. James Lackey, wife of a co-defendant in the case, was called by the state as a witness Wednesday morning but was excused [illegible] he "determines whether she should be compelled to testify.

Nicholas Chyllia and John Williford, court-appointed counsel for Lackey, argued that Mrs. Lackey should not be compelled to testify. They said her testimony might be used against her husband and argued that under the law she could not be compelled to testify.

6-20 (Rev. 10-15-62)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-16

(PENN MURDER)

DANIELSVILLE, GA.--THE STATE'S PROSECUTOR SAID TODAY 15 PAGES OF CONFIDENTIAL INVESTIGATIVE MATERIAL WERE REMOVED FROM HIS PAPERS DURING THE TRIAL OF TWO KU KLUX KLANSMEN CHARGED WITH THE NIGHTRIDER SLAYING OF A PROMINENT WASHINGTON, D.C., NEGRO EDUCATOR.

CLETE JOHNSON, SOLICITOR FOR THE NORTHERN JUDICIAL CIRCUIT, SAID THE DOCUMENTS WERE REMOVED SOMETIME YESTERDAY OR TUESDAY FROM A CONFIDENTIAL FILE HE KEPT IN HIS ROOM IN THE COURTHOUSE.

AMONG THE PAGES REMOVED, SAID JOHNSON, WAS THE CONFESSION OF A KLANSMAN WHO ADMITTED TAKING PART IN THE SNIPER SLYAING OF LEMUEL A. PENN, 48, ON JULY 11 IN A LONELY STRETCH OF NORTH GEORGIA HIGHWAY DURING THE PRE-DAWN HOURS.

THE CONFESSION WAS INTRODUCED AS EVIDENCE DURING THE TRIAL YESTERDAY AFTER HOURS OF WRANGLING BETWEEN DEFENSE ATTORNEYS, PROSECUTION ATTORNEYS AND JUDGE W. CARE SKELTON. IT WAS MADE BY JAMES S. LACKEY, 29, OF NEARBY ATHENS, WHO WAS AMONG THREE KLANSMEN INDICTED BY A MADISON COUNTY GRAND JURY LAST WEEK IN THE SHOTGUN SLAYING OF PENN.

JOHNSON SAID THE VALUABLE DOCUMENTS WERE REMOVED FROM HIS FILE BEFORE THE CONFESSION WAS FINALLY ADMITTED AS EVIDENCE.

9/3--GE931A

61 SEP 10 1964

191 SEP 10 1964

WASHINGTON CAPITAL NEWS SERVICE

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

# Judge Orders Successor To Sit Down

By a Staff Writer

DANIELSVILLE, Ga. The circuit judge had a brief but sharp exchange with the apparent incoming judge during Wednesday's murder trial of two Athens men in the killing of Negro educator Lemuel Penn.

Superior Court Judge-nominate John W. (Billy) Willowford, who is defending James Lackey, objected strenuously to Lackey's wife being called to testify in the trial of Joseph Howard Sims and Cecil William Myers.

Judge Carey Skelton, who did not seek reelection and is retiring from the bench in January, admonished Willowford that Lackey was not now on trial and that he should not concern himself with the two defendants now facing the jury.

HE SITS DOWN

"You telling me you want me to sit down?" Willowford asked Judge Skelton.

"Yes, I do," Judge Skelton replied.

The red-haired Willowford flared back, "All right, I will." Judge Skelton had appointed Willowford to defend Lackey.

Defense attorney Hudson also objected to Mrs. Loretta Lackey's testifying, contending her husband is charged with the same offense as Sims and Myers who are on trial.

SHE'S EXCUSED

Special state prosecutor Jeff Wayne asked the frail-looking brunette several questions. She remained silent. Finally she was excused without ever testifying.

In another flareup, Hudson interrupted Sol. Gen. Clete Johnson several times while the prosecutor was making objections.

Johnson, who is usually mild-mannered, flushed red, turned on Hudson, and shouted at the top of his voice, "Wait until I get through, Mr. Hudson!"

Hudson began speaking and Judge Skelton interrupted. He told the two attorneys he understood how "it is in the heat of the battle" and asked them to calm down.

61 SEP 10 1964

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 10
The Atlanta Constitution, Atlanta, Georgia

Date: 9/3/64
Edition: Morning
Author:
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

44-3273-A

NOT RECORDED
191 SEP 10 1964

(Mount Clipping in Space Below)

# Saw 2 with Guns On Day of Death, Klansman Says

## Teen Witness Describes Visit to Athens Garage

By JACK NELSON and BILL SHIPP
Constitution Staff Writers

DANIELSVILLE, Ga.—A teen-age member of the Ku Klux Klan Tuesday testified that on the morning of the murder of Samuel Penn he saw two fellow Klansmen carrying sawed-off shotguns with pistol grips, the type the state charges was used in the killing.

Thomas E. (Hoss) Folendore, an 18-year-old Sandersonville truck driver, said he saw the two defendants, Joseph Howard Sims and Cecil William Myers, enter the Herbert Guest garage in Athens shortly after 5 a.m. on July 11, the morning Penn was killed.

He said Myers and Sims were carrying the shotguns.

Folendore said he told them: "I got me one tonight; I don't know what you all have been doing."

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution,
Atlanta, Georgia

Date: 9/2/64
Edition: Morning
Author: JACK NELSON
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

File
C-MT

NOT RECORDED
191 SEP 10 1964

OS SEP 10 1964

190-26808-15

LEFT IMMEDIATELY

He said he left the garage immediately when Sims told him it was "none of my business" what they had been doing.

Some days later, Folendore testified, Sims asked him if he had been questioned by officers and he told them he had not. Folendore said Sims then warned, "Watch what you say."

Folendore did not explain from the stand what he meant by the remark that he "got one" and he was not questioned further about it. Later he told reporters, "I was just joking about that," but he refused to elaborate.

BROUGHT INTO ROOM

The prosecuting attorneys brought into the courtroom a sawed-off, 12-guage, double-barreled shotgun with a pistol grip and asked Folendore if the guns he saw Myers and Sims carrying were similar. He said they were.

Folendore was not identified as a Klansman during the court proceedings, but afterwards he told newsmen that he was and he said he was very active in the Clarke County Klavern.

Folendore told newsmen the murder case "doesn't scare me" and he said he would continue to be active as a Klansman. He said he believes in the principles of the "United Knights of the Ku Klux Klan."

BOY QUITS SCHOOL

The youth told reporters he dropped out of school in the 10th grade because he didn't like the principal.

Sims and Myers went on trial here Monday in the July 11 slaying of Penn, a Washington, D.C., Negro educator, who was a lieutenant colonel in the Army reserve.

Penn and two fellow Negro reserve officers, Lt. Col. John D. Howard, 42, and Maj. Charles E. Brown, 44, were driving through Madison County en route to Washington after two weeks training at Ft. Benning when two shotgun blasts were fired through the side windows of their car.

Two other Klansmen, James S. Lackey and Herbert Guest, also were named in a civil rights complaint in the Penn case. The Madison grand jury indicted Myers, Sims and Lackey on murder charges, but no case was presented against Guest. The federal complaint charging the four with violating the civil rights of Penn is still pending in federal court.

Folendore, a slight youth who wears horn-rimmed glasses and sometimes stutters, appeared highly nervous during his testimony.

He was the 10th of 28 witnesses subpoenaed by the state to testify.

Immediately before he took the stand, Mrs. Landys Miriam Moore, Negro dishwasher at the all-night Open House Restaurant on Hancock Street in Athens, testified she saw Sims, Guest, and others in the restaurant on the night of July 10 and they were "all wearing guns." She said she had seen them wearing guns in the restaurant before. She said they left the restaurant sometime during the night but returned after 5 a.m.

She said she saw only pistols and no shotguns. She said they had come in armed "several nights" within a 10-day period prior to Penn's slaying.

More than 300 persons crowded into the small courtroom to observe the trial. However, only about a dozen Negroes sat in the balcony.

The prosecution, led by Sol. Gen. Clete Johnson and special prosecutor Jeff Wayne, spent most of the day laying a basis for the state's contentions.

The 12th and final witness called Tuesday was Jack Simpson, special agent for the Federal Bureau of Investigation. Simpson testified he had twice interviewed James Lackey, once on July 29 and again on Aug. 6. Simpson said the last time he had a conversation with Lackey, the suspect offered to make a statement.

**FBI DENIES THREATS**

Simpson said he made no threats, offered Lackey no rewards and advised him of his rights before Lackey made the statement.

As Simpson was about to read the statement, defense attorney James Hudson, 35, objected strenuously. Judge Carey Skelton ordered the jurors out of the courtroom and lawyers debated the admissibility of the statement.

That is where trial ended Tuesday and that is where it will begin when court is reconvened at 9 a.m. Wednesday.

Another witness, Claude Bennett, who had to sit in a straw-bottom chair out of the witness box because of a crippled leg, testified he was a former employe of Guest's garage.

**ALSO AT GARAGE**

He said he observed Myers, Sims and Lackey coming into the garage "before daylight" on the morning of July 11. He said he saw Sims carrying a sawed-off shotgun. Folendore, who also was at the garage at the time, left immediately after Sims said something to him, Bennett testified.

Grover B. Epps, operator of the Open House Restaurant, testified the defendants came to his restaurant frequently. He said Sims and Guest and some other persons were in the Open House between midnight and 3 a.m. July 11. He said he observed no firearms. When he returned to work at 6:30 a.m., he testified, the men had gone.

Dr. Larry Howard, pathologist and assistant director of the State Crime Laboratory, testified Penn's death was caused by a loss of blood and/or a single-ought buckshot that lodged in his larynx.

**JUDGE BARS TRUCKS**

For the second day in a row Judge Skelton had trouble with trucks passing the courthouse.

He directed state troopers to detour all north- and south-bound trucks away from the Danielsville city square after jurors complained the truck noise kept them from hearing testimony.

Earlier witnesses laying foundation for the state's case included Madison County Sheriff Dewey Seagraves, GBI Agent M. S. Calloway and Colbert Policeman Billy Smith, all of whom investigated the slaying immediately after it occurred.

Willie H. Lankford of Athens, a University of Georgia instructor, testified he was driving with his family 1½ miles north of Colbert at 5 a.m. July 11 when he was flagged by a Negro in the middle of the highway.

"My wife said, 'That man's in trouble.' . . . He had a lot of blood on him," Lankford testified.

Lankford told the court he turned his automobile around, returned to Colbert and reported what he had seen to officer Smith.

**RETURNS TO SCENE**

He said he returned to the scene with Smith, stayed there a few minutes and then proceeded to his destination, Mount Airly N.C.

Robert Kane, Athens FBI agent, sat at the prosecution table and conferred with Johnson and Wayne about the case. President Lyndon B. Johnson ordered the FBI into the case immediately after the slaying. The FBI investigation led to the arrest of the defendants.

The defense bore down heavily on conflicting testimony about the car which Col. Howard testified he saw swerve around the Penn vehicle at the time of the slaying. The car was variously described as a 1960 or 1961 Chevrolet, a 1961 or 1962 Chevrolet, and as a 1952 or 1953 Chevrolet, cream colored.

Sheriff [illegible] said on the morning of the murder Howard told him it was a 1952 or 1953 Chevrolet. However, a signed statement introduced into evidence showed Howard said it was a 1961 or 1962 Chevrolet.

The first witness called to the stand by the prosecution was Brown, a Washington, D.C., schoolteacher and an Army Reserve major.

Brown told the court he was asleep in the right front seat of the death car when two shots were fired into it near the Broad River Bridge early on the fog-bound morning of July 11.

OUT OF THIS WORLD

"You go to sleep and you wake up to something that is out of this world," Brown testified.

Brown, wearing an Army dress uniform decorated with three rows of military ribbons and a combat infantryman's badge, said he had attended reserve training sessions at Ft. Benning with Penn in 1959, 1960 and 1963.

"We've never had any trouble with anyone," he said. Brown testified that he, Penn and Howard, also a Washington vocational schoolteacher, left Ft. Benning shortly after midnight on July 11. He said they stopped once at a Texaco service station in northeast Atlanta where they bought gas and asked for directions.

Brown said he was driving until they got to Athens where they stopped near a monument on the main street and Penn took the wheel. He said Penn had turned onto Georgia 72 when Brown closed his eyes and went to sleep.

"I did not awaken until I heard two reports," Brown testified. "I first thought we had blown two tires—bang, bang. I did not know what was going on. . . .

"I saw Col. Penn's head slumped on his chest. His hands were not on the steering wheel."

"I felt something hot on my left arm," Brown continued. "It turned out to be blood."

Solicitor Johnson examined Brown, and the reserve officer identified pictures of the scene of the slaying.

Brown told of removing Penn's body from beneath the steering wheel and starting to drive back toward Athens. He said Howard told him a car appeared to be following their car.

Brown said he missed a turn at the intersection of Georgia 72 and 172 and the auto ran off the highway into a ditch. He said the two officers flagged down a motorist and called for help.

During stern cross-examination by defense attorney Jim Hudson, Brown admitted he could not swear the gun shots which killed Penn came from another car. He said he didn't see a car following the vehicle which Penn was driving.

WEARS UNIFORM

Next to take the stand was Howard, also wearing a military uniform with a combat infantryman's badge.

Howard, a veteran of four major campaigns in the Pacific during World War II, wore no other decorations. He corroborated much of Brown's testimony. Howard said he was not asleep when the two shots were fired. He said he was sitting in the back seat.

When the shots were fired, "I immediately jumped up. The car started swerving. I grabbed the steering wheel." He said he saw a cream-colored 1961 or 1962 Chevrolet "swerve around us." The reserve officer told assistant solicitor Wayne that he observed a minimum of three persons riding in the cream-colored car.

"This thing happened in seconds," he testified. He said he knew immediately that Penn was dead. "It was our intention to get back to Athens where we knew we could get help."

OBVIOUSLY IRRITATED

Howard became obviously irritated during persistent cross-examination about how he was able to identify the model and make of the other automobile. Defense attorney Hudson asked him repeatedly to identify the shape of the tail lights on more than a dozen different makes of cars.

Hudson also asked Howard if he as a Negro used the "regular rest rooms" at the service station in Atlanta. Howard said he did and so did Brown. Hudson asked if there was any trouble caused by this. Howard said there was not.

Solicitor Johnson delivered the opening statement to the jury. He said the state would prove its case beyond a reasonable doubt against Myers and Sims. John Darsey of Commerce argued for the defense:

"We shall show you gentlemen when we are done that these two defendants are not guilty and are entitled to walk from the courtroom like the free men that they are."

Associated Press Wirephoto

FAMILY OF MURDER TRIAL DEFENDANT
Mrs. Joseph H. Sims and Their Eight Children

(Mount Clipping in Space Below)

*Penn murder case*

# Jurors to hear race plot tale

68 SEP 11 1964

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Times,
Atlanta, Georgia

Date: 9/2/64
Edition: Georgia
Author: PAUL CARDEN
Editor: LUKE GREENE
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

NOT RECORDED
191 SEP 10 1964

# First talk of racism comes up

## *Issue brought up in argument over Lackey statement*

By PAUL CARDEN
Times Staff Writer

DANIELSVILLE — The prosecution in the murder trial of Joseph Howard Sims and Cecil William Myers Wednesday morning began presenting evidence that a conspiracy existed between the two charged men and a third defendant who will be tried next week.

The question of a conspiracy arose in Madison County Superior Court late Tuesday afternoon when the state attempted to introduce into evidence a statement given by James S. Lackey on Aug. 6 to FBI agent Jack B. Simpson.

★

At the insistance of defense attorney Jim Hudson the jury was sent from the courtroom as objections were raised to the admitting of the statement into evidence.

During arguments concerning the statement solicitor General Clete D. Johnson said, "It is the state's contention that there was not a conspiracy to murder Lemuel Penn but a conspiracy to intimidate and harrass members of the colored race."

Sims and Myers are charged with murder in connection with the death of Penn who was shot to death July 11. Lackey was indicted as a co-defendant but Monday was granted a separate trial.

Superior Court Judge W. Carey Skelton ruled that there was not enough evidence in the record of a conspiracy and that more evidence would have to be produced before Lackey's statement was presented to the jury.

★

During the arguments over the statement Tuesday afternoon, Solicitor General Jeff Wayne, who is assisting Johnson, said that it is the state's theory that Lackey did not fire the shot and therefore he "could well be a principal in the second degree" and that the guilt of the persons in the first degree must be proven initially.

It was the first time during the two days of the trial that there was any direct statement

concer[illegible]ce issue or civil rights.

Wayne, asked if in effect he had to prove violations of the federal Civil Rights Act, just shrugged and said, "you can see we're walking a mighty thin line."

★

Attorneys for both sides have indicated that Lackey's statement is the key to the case against Sims and Myers.

Johnson and Wayne said at this point the murder is just incidental to the conspiracy.

Defense attorneys claim there was no conspiracy, and that Lackey's statement cannot be used against Sims and Myers.

Tuesday afternoon an Athens restaurant owner testified that Sims and Herbert Guest, who is charged in the case but has not been indicted, were in his restaurant along with three other men between midnight and 3 a.m. July 11.

The restaurant owner Grover B. Epps testified that the men came into his restaurant frequently.

A dishwasher at the restaurant, Landy Muriel Moore, Negro, testified that all four men — Guest, Sims, Lackey and Myers — were in the restaurant during the early morning hours of July 11, that they left and returned about 5 a.m.

"Did you see any firearms?" Wayne asked.

Over stringent objection by Hudson, the woman answered "they were all wearing guns."

Q—"Did the two defendants have on guns?"

A—"Yes Sir."

★

Another witness, Thomas Edward Folendore, a teen - ager, said he went to Herbert Guest's garage about 5 a.m. July 11. About five minutes later, he testified, Myers, Sims and Lackey came in.

"What did you see in any of their hands?" Wayne asked.

Again over the objections of Hudson the witness was allowed to answer.

"Shotguns."

Asked who had the shotguns. Hughes answered: "Myers and Sims."

Wayne then displayed a sawed-off pistol - grip type, double - barrelled shotgun and asked Folendore if the shotguns they had were of that type.

The young man replied that they were.

Claude Bennett, a former employe at the garage, said he was at the garage with Guest when the men came in. He said Sims was carrying a sawed - off shotgun.

★

Dr. Larry Howard, assistant director of the Georgia Crime Laboratory, testified that Penn died from loss of blood and of buckshot being lodged in his windpipe.

Dr. Howard said he removed two pieces of shotgun shell wadding and ten buckshot from Penn's right cheek. The lead entered Penn's head at the left jaw.

Dr. Howard said the shot was fired at "quite close range." The pathologist said the shot taken from Penn's body came from a .12 gauge shotgun shell and in all probability the shell was made by Western Winchester Co.

Hudson attempted to show that the buckshot may have come from a .16 gauge shotgun shell, but the try backfired when he misread a chart put out by the Winchester Arms Co. The chart bore out Dr. Howard's testimony.

A Washington, D.C., Army reserve officer told the Jury Tuesday morning he thought the shotgun blasts that killed Penn in the early morning hours of July were blown-out tires.

Maj. Charles E. Brown, Negro, the state's first witness told the jury he was awakened by "two loud reports.

★

"What kind of reports?" Sol. Gen. Clete D. Johnson asked.

"Well my first thought was we had blown two tires," Brown said. "I surveyed the situation and noticed two tail lights receding up the highway.'

The major said he looked around and then saw Col. Penn, who was driving, with his "head slumped on his chest, his hands were not on the steering wheel."

★

Lt. Col. John Daniel Howard also a Washington school teacher was the state's second witness Tuesday. He testified he was in the backseat of the car awake but with his eyes closed. He said he opened his eyes when the first blast was fired and saw a car in the process of passing them.

On direct examination, Howard said he thought the car was a 61 or 62 Chevrolet but on rigid cross examination by Jim Hudson, Howard said he could not be sure it was a Chevrolet but that he was positive it was a General Motors car.

★

Both Howard and Brown said they could not swear that the shotgun blast came from the automobile that passed them on the road.

On cross examination the first mention of any race question was raised. Prefacing his question with "I'm sorry to bring this up," Hudson asked Howard if there had ben a racial incident when the trio stopped for gasoline in Atlanta.

Howard said there had not.

On direct examination Maj. Brown, who is also a teacher in the Washington Public Schools System, said he did not know what was wrong with Penn until "I felt something hot on my arm."

Brown said he determined that the heat came from blood from a wound on the left side of Penn's face and neck.

64
41
23

Brown testified Howard was in the back seat of the automobile when the shots were fired at the car.

Brown told the jury he and Howard brought the automobile to a stop on State Highway 172 and that they turned the car around and drove toward Athens in an attempt to find help. Brown said he was driving, lost control of the car and ran into a ditch. Then he flagged a passing vehicle whose driver summoned help.

Brown, short, balding and wearing a mustache was dressed in his Army uniform.

★

The Bond Community Club sponsored a fried chicken luncheon Tuesday and Wednesday and Tuesday's gross was more than $70, according to a club member.

The auxiliary of the Veterans of Foreign Wars also served sandwiches and cold drinks on the courthouse grounds during the noon recess.

Judge Skelton, in an effort to cope with the noise of huge tractor - trailer trucks, ordered state troopers to reroute the trucks around town, via state route 106.

Huge window fans are being used in an attempt to cool the muggy second-floor courtroom, but have to be turned off during testimony because of the noise.

Temperatures in the courtroom range in the 90s.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Saw 2 Penn Slaying Suspects With Guns, Youth Tells Trial

By George Lardner, Jr.
Staff Reporter

DANIELSVILLE, Ga. Sept. 1—A Georgia jury was told today that two Ku Klux Klansmen, packing shotguns, showed up at an Athens garage minutes after the killing of Washington Negro educator Lemuel A. Penn.

The Klansmen, Joseph Howard Sims and Cecil William Myers, sat impassively in the packed courtroom of this rural Georgia county seat as their trial on first-degree murder charges opened.

A teen-ager, who said he often frequented the garage, testified he showed up there around 5 a.m. July 11, some 15 minutes after Penn was killed on a lonely Madison County highway near here.

The youngster, Thomas E. Folendore, said Sims and Myers walked in about five minutes later.

**Carried Shotguns**

Both were carrying short, sawed-off shotguns, Folendore said.

Apparently deciding to make some small talk, the youth said he walked up to Sims and asked: "I got me one tonight. What you all been doing?"

"He told me it wasn't none of my business," the youth said.

Folendore said he left the garage hurriedly after that, but met Sims on an Athens street after FBI agents had launched a full-scale investigation of the shooting.

Sims, Folendore said, first asked him whether he'd been questioned by an FBI or State law enforcement agent yet and added: "Watch what you say."

**Both Men Charged**

Sims and Myers were arrested by FBI agents Aug. 6 on charges of conspiracy against Penn and two other District school teachers, who were traveling with him, under the new Civil Rights Act. Herbert Guest, operator of the garage, and James S. Lackey, an Athens gas station attendant, were picked up also.

All but Guest were indicted later in the month of first-degree murder charges. Lackey was granted a separate trial as a result of his allegation that the FBI coerced him into making a confession.

Despite the legal tangle, Georgia Solicitors General Jeff Wayne and Clete Johnson sought late today to introduce Lackey's confession at the trial of his companions.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

NOT RECORDED
191 SEP 9 1964

67 SEP 10 1964

SEP 2 1964

FBI agent Jack R. Simmons of Atlanta said he took a statement from Lackey Aug. 6, the day of the Klansmen's arrest but defense objections kept him from getting any further.

Judge Carey Skelton of the five-county North Georgia Judicial Circuit said he felt the prosecution would have to show more evidence of an illegal conspiracy first.

**Companions Testify**

Earlier in the day, Penn's companions on the fatal trip home from Army Reserve training, Lt. Col. John D. Howard and Maj. Charles E. Brown, took the stand in Army uniforms.

Just as they got to the Broad River bridge on the Madison County line, Brown said, "I heard two reports. Col. Penn slumped over on my arm . . . I felt something hot . . . it turned out to be blood."

Howard said he saw the tail lights of "what I thought to be a Chevrolet" disappearing over the bridge into Elbert County seconds after the shooting.

An Athens man, Claude Bennett, who was working in the Guest garage that morning, said Myers, Sims and Lackey all showed up before daylight in a Chevrolet station wagon. Folendore said that Myers owned one although color descriptions varied, in testimony from cream white to light brown.

The courtroom was packed, with Negro spectators segregated in a gallery at the back of the big courtroom.

(Mount Clipping in Space Below)

# Penn Jury Seated; Confession Is Hit

By JACK NELSON and BILL SHIPP
Constitution Staff Writers

DANIELSVILLE—A jury for the trial of two Athens Ku Klux Klansmen charged with murder in the July 11 shotgun slaying of Negro educator Lemuel Penn was selected Monday in Madison County Superior Court.

Meanwhile, court-appointed counsel for a third Klansman charged in the slaying, James S. Lackey of Athens, filed a petition in federal court at Macon charging that Lackey had been illegally arrested and coerced into signing a confession in the case.

Federal District Judge William A. Bootle is scheduled to hear Lackey's petition at a hearing at 3 p.m. Friday in Macon.

The petition asked that the confession be suppressed and state and federal officers be restrained from testifying against Lackey in state or federal court.

TWO JEST

Joseph Howard Sims, 41, and Cecil William Myers, 25, joked with Lackey in the courtroom Monday and during a recess Sims told a reporter they had no hard feelings against their fellow Klansman for having signed a confession implicating them in the murder.

An attorney for Sims and Myers filed pleas of innocent for both of them, Lackey will be tried separately later.

Sims expressed confidence he and Myers would be acquitted.

The 12-man jury, plus two alternates, that was selected Monday is comprised mostly of farmers.

Penn and two fellow Army Reserve officers, also Negroes, were en route to their homes in Washington, D.C., after training at Ft. Benning when Penn was killed. Two shotgun blasts were fired into their car from another vehicle as they were driving along a lonely state highway at night just north of Colbert in Madison County.

President Lyndon B. Johnson immediately ordered the Federal Bureau of Investigation into the case and a large group of agents swarmed in the Athens and Madison County area.

RIGHTS COMPLAINT

The three defendants in the murder case and a fourth Klansman, Athens garage operator Howard Guest, were arrested Aug. 6 on a federal civil rights complaint filed by FBI agent Robert Kane.

The complaint alleged that Lackey had signed a statement implicating the other three in the killing.

A Madison County Grand Jury returned indictments against Sims, Myers and Lackey.

68 SEP 11 1964

Miss C.

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution,
Atlanta, Georgia
Date: 9/1/64
Edition: Morning
Author: JACK NELSON
Editor: EUGENE PATTERSON
Title: CPENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

NOT RECORDED
191 SEP 10 1964

ey, but no case was presented to the jury against Guest. The civil rights charges against all four Klansmen are still pending.

Lackey's court-appointed attorneys, John Williford and Nick Chilivis, said they will ask for a week's continuance of Lackey's trial—depending on the outcome of the Sims-Myers trial.

Lackey's petition in federal court repudiated his confession to the FBI and contended that he had not been advised of his rights to an attorney nor had he been advised of his right to remain silent before the statement was taken.

He alleged he was arrested by FBI agents Aug. 6 without being shown a warrant and was told "that his friends had put a noose around his neck and were going to hang him."

Lackey contended he feared that statements "had been signed saying he was the guilty party, so he signed another statement. . . ."

The petition alleged that federal officials arrested Lackey on federal charges when in fact no federal crime had been committed and charged that this constituted "an arbitrary and unreasonable singling out" of Lackey because of his Klan membership.

The small Madison County courtroom was jammed with prospective jurors, relatives of the defendants and other spectators Monday. A group of 35 to 40 Negroes was crowded into a small balcony space set aside for their use.

The two Negro Army reserve officers who were with Penn on the night of the slaying, Lt. Col. John D. Howard and Maj. Charles E. Brown, were brought to the courthouse in a State Patrol car. They were escorted to the witness room some time after selection of the jury began and were escorted out again shortly before the court adjourned.

**NEGROES REJECTED**

The Madison Jury Commission recently added 17 Negroes to its list of more than 800 names on its jury list. A. B. Gant, 49-year-old farmer, was a member of the first panel called Monday and was the first Negro to be called for jury service in the memory of local observers. The defense quickly used a strike to remove him from the jury.

A second Negro, Robert Freeman, 56, a father and a University of Georgia janitor—the only other Negro called for jury service—also was struck by the defense.

During several recesses, the families of Sims and Myers hurried behind the railing to talk with them. Mrs. Sims was there with her eight children ranging in age from a girl two to a 16-year-old boy. Mrs. Myers, who is expecting another child at any time, came with her three boys ages 2 to 5.

Lackey, who was in the courtroom during the early part of the proceedings, was visited by his wife and 5-year-old daughter, a brother and both parents.

The crowd of more than 250 at the courthouse attracted the Veterans of Foreign Wars auxiliary, which set up a sandwich and drink stand on the courthouse lawn.

Sol. Gen. Clete Johnson and special prosecutor Jeff Wayne, appointed by Gov. Carl Sanders, spent little time examing jurors, while defense attorneys hammered away at the veniremen's views on circumstantial evidence and the handling of the case by news media.

Jim Hudson and Harold Boggs, attorneys for Sims, joined with John A. Darsey, court-appointed counsel for Myers, in striking the jury for the defense.

Judge Carey Skelton, who earlier had issued an order prohibiting any photographing or mechanical recording of anyone in the courthouse or on the courthouse lawn during the course of the trial, said Monday he would have "complete quiet" during the trial. He did.

He asked Sheriff Dewey Seagraves about the loud noise that trucks were making as they were coming through town and going around the courthouse square.

**DIVERT TRUCKS**

The sheriff indicated he didn't know what could be done about it, and the judge said he (the judge) could do something. Whereupon he ordered the bailiffs to flag down trucks and have them proceed quietly around the courthouse during the trial.

Seventy-three prospective jurors were examined before a panel of 12 white Protestant men and two alternate white men were chosen to hear the case.

Fourteen prospective jurors disqualified themselves because they said they opposed capital punishment. Several others were disqualified because they said they would not convict on circumstantial evidence.

During recess, Myers and Sims joked with reporters and Myers, dressed in a short-sleeved, pin-striped dress shirt with dark tie, told newsmen of plans to open an automobile racing specialty shop "after this is over."

Myers also talked about auto racing. Both men said they weren't worried about the outcome of the trial.

"We're not worried. We know we're going to come out of this all right. We're not guilty," Sims said.

The 12 jurors selected are:

Jack Findley, rubber plant employe; E. H. Fitzpatrick, farmer and school bus driver; Thomas Dean, store clerk; Sam Epps, 39, butane gas firm employe; C. S. Logan, 64, retired merchant; George Argo, 42, farmer; Joseph F. Smith, 38, construction worker; J. A. Bradberry, 39, farmer; G. H. Vaughn, 53, storekeeper and farmer; J. W. Hooper, 42, pipeline employe; Floyd Allen, 44, farmer; Donald Bridges, 39, gin company employe.

The alternates are O. C. Parham and John Guest.

The formality of the court proceedings broke down twice during the day.

At one point a bench in the courtroom gave way under the weight of Madison County prospective jurors. And when the defendants were on their way back to Madison County jail after court adjourned, they stopped off at a general store, picked up two soft drinks, chatted with friends for a few minutes then meandered back to the jail in custody of a GBI agent.

Associated Press Wirephoto

**DEFENDANTS IN PENN SHOOTING GO ON TRIAL**
**L-R: Cecil W. Myers and Joseph Howard Sims**

**PRESIDING JUDGE**
**Carey Sinclair**

8-20 (Rev. 10-15-64)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-83

(PENN MURDER)

DANIELSVILLE, GA.--A PROSECUTION WITNESS TODAY DESCRIBED THE NIGHT-RIDER MURDER OF A WASHINGTON, D.C., NEGRO EDUCATOR AT THE TRIAL OF TWO KU KLUX KLANSMEN.

MAJ. CHARLES E. BROWN, 44, ALSO A WASHINGTON NEGRO, TESTIFIED THAT THE SHOTGUN BLASTS THAT KILLED LEMUEL PENN, 48, "CAME CLOSE TOGETHER -- BANG, BANG."

BROWN WAS THE STATE'S FIRST WITNESS IN THE MURDER TRIAL OF JOSEPH HOWARD SIMS, 41, A MACHINIST WITH EIGHT CHILDREN, AND CECIL WILLIAM MYERS, 25, A LABORER WITH THREE CHILDREN WHOSE WIFE IS EXPECTING ANOTHER CHILD THIS WEEK.

~~BROWN DESCRIBED THE PRE-DAWN SLAYING ON JULY 11 AS HE, PENN AND ANOTHER CHILD THIS WEEK.~~

BROWN DESCRIBED THE PRE-DAWN SLAYING ON JULY 11 AS HE, PENN AND ANOTHER NEGRO, LT. COL. JOHN D. HOWARD, WERE RETURNING TO WASHINGTON FROM SUMMER DUTY AT FT. BENNING, GA.

"I HEARD TWO REPORTS," BROWN TOLD THE JURY OF 12 WHITE MEN. "AT FIRST I THOUGHT WE HAD BLOWN TWO TIRES. I WAS ASLEEP. I DIDN'T DETERMINE IMMEDIATELY WHAT HAD HAPPENED.

"I FELT SOMETHING HOT ON MY LEFT ARM," BROWN SAID. "IT WAS BLOOD. IT WAS HIS (PENN'S) BLOOD."

BROWN SAID HE SAW TWO LIGHTS DISAPPEAR INTO THE FOG AS THE NIGHT-RIDERS SPED AWAY.

UNDER QUESTIONING BY PROSECUTOR CLETE JOHNSON, BROWN SAID PENN WAS DRIVING WHEN THE SHOTS WERE FIRED.

"PENN'S HEAD SLUMPED ON HIS CHEST," BROWN SAID. "HIS HANDS WERE NOT ON THE WHEEL. I GRABBED THE STEERING WHEEL."

SIMS AND MYERS WERRE INDICTED LAST WEEK FOR THE SLAYING OF PENN, THE FATHER OF TWO CHILDREN AND THE DIRECTOR OF ADULT AND VOCATIONAL EDUCATION FOR THE WASHINGTON, D.C. SCHOOLS.

9/1--GE&TD1219PED

44-25273-[illegible]

NOT RECORDED
191 SEP 9 1964

SEP 10 1964

WASHINGTON CAPITAL NEWS SERVICE

File

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-89

ADD PENN MURDER, DANIELSVILLE (UPI-83)

UNDERQUESTIONING BY DEFENSE ATTORNEY JAMES E. HUDSON, BROWN ADMITTED THAT HE DID NOT KNOW WHERE THE SHOTS CAME FROM THAT KILLED PENN.

HUDSON AND PROSECUTOR JOHNSON CLASHED AT ONE POINT. HUDSON TOLD THE NEGRO "I WANT TO EXPRESS SYMPATHY FOR YOU ON WHAT HAPPENED." JOHNSON OBJECTED AND HUDSON HEATEDLY REPLIED: "YOUR HONOR, I AM A CITIZEN OF GEORGIA AND IF I WANT TO EXPRESS SYMPATHY TO THIS MAN I CAN."

WHILE QUESTIONING BROWN, HUDSON APPEARED SYMPATHETIC, INTERSPERSING HIS QUESTIONS WITH COMMENTS SUCH AS "YOU WERE FRIGHTENED, I KNOW I WOULD BE TOO," AND "I'M NOT TRYING TO TRAP YOU NOW, BECAUSE I DON'T WANT TO."

9/1--TD1231PED

WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

# AWAKENED BY SHOTS, HALTED CAR AGAINST BRIDGE, PENN PAIR TELL

RRSEP 10 1964

Mr. Tolson
Mr. Belmont

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journal
Atlanta, Georgia

Date: 9/1/64
Edition: Final
Author: PAUL VALENTINE
Editor: JACK SPALDING
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta
☒ Being Investigated

NOT RECORDED
191 SEP 10 1964

# Fled in Dark, Slay Jury Hears

By PAUL VALENTINE

DANIELSVILLE, Ga., Sept. 1—A companion of slain Negro Lemuel Penn described in graphic testimony at the murder trial of two Ku Klux Klansmen Tuesday the shotgun slaying of the Washington, D.C., educator.

"I did not awaken until I heard two reports," Charles E. Brown, also a Negro Washingtonian, said in describing the early morning shooting on July 11 as the two men and a third companion were driving through a remote section of Madison County.

"The reports were close together—bang, bang, like that. I thought it was two flat tires," he testified.

He said Penn was driving the car and he was in the front passenger seat. The third Negro, John D. Howard, was in the back seat.

Mr. Brown said he, too, was asleep when the sounds of the shotgun blasts awoke him.

"The car appeared to strike something on the right. It must have been the bridge curbing. My eyes looked to the left and I saw two lights disappearing into the fog."

He said the car scraped uncontrollably along the side of

the bridge crossing the Broad River into neighboring Elbert County. He and Mr. Howard brought the car to a stop on the Elbert side of the river, he said.

"Penn's head was sunk on his chest. . . . He slumped over on my arm. my left arm. . . . I felt something hot on my arm. It turned out to be blood. I tried to stop the car. I had to get Penn's feet off the accelerator and brake. He was a fairly large man."

AFTER STOPPING the car, he continued, he saw two splintered holes in the left windows of the car. He said he turned the car around and began speeding back toward Athens.

He said he finally flagged a passing auto and summoned police.

Some 200 spectators jammed into the sweltering county courthouse here as the first day of testimony in the Penn murder trial commenced. An all-white jury was selected Monday.

The current proceedings are a joint trial of two of the indicted Klansmen, Cecil William Myers, 25, and Joseph Howard Sims, 41. The third defendant, James Lackey, 29, will possibly be tricd separately later.

All three and a fourth Klansman, Herbert Guest, 37, were arrested Aug. 6 in connection with the Penn shooting and charged with the federal offense of conspiring to deprive Penn and other Negroes of their civil rights. Guest was not indicted on the state charge of murder.

AT THE OPENING of the trial Tuesday morning defense attorney John Darby of Commerce said the indictment against Mr. Myers and Mr. Sims "does not have the slightest probative value."

He said he and the other two defense lawyers, James Hudson of Athens and Harold Boggs of Danielsville, will prove their innocence "beyond any peradventure of doubt."

The lawyers indicated they will take strong exception to a confession which the FBI says Mr. Lackey made in connection with the murder. Mr. Lackey has repudiated the confession.

FBI and GBI agents were scheduled to testify on behalf of the state later in the day. The state has about 20 witnesses.

THE OTHER Negro in the Penn car, John D. Howard, also testified Tuesday morning. Both he and Mr. Brown appeared in full U.S. Army uniform. Both are reserve officers, as was Penn. The three were passing through Madison County en route to their homes in Washington from a training stint at Ft. Benning.

Mr. Howard, who was in the back seat at the time of the incident, said, "I tried to stop the car. I reached across Col. Penn, who had fallen into the hands of Maj. Brown. I grabbed the top of the wheel. Col. Penn was dead.

"We knew what was in front of us so far as the firing was concerned, and we knew Athens was behind us. That's why we turned around at the bridge."

Mr. Howard described the car that passed them on the bridge as "What I thought to

be a Chevrolet. It was a cream-colored car, a '61 or '62 model.

DEFENSE ATTORNEY James Hudson took exception to the Negro's description of the car, saying he had made earlier written statements limiting the description to a "yellow or cream-colored General Motors car." Mr. Hudson further said the Negro's statement admitted he was unable to identify the car any more specifically.

"Now you're saying it was a Chevrolet," the attorney said. Mr. Howard answered that he was never positive the car was a Chevrolet and was not contending so on the stand Tuesday.

Sol. Gen. Clete D. Johnson asked Mr. Brown why he reversed his direction.

"If you have been hit by weapons and were not armed with anything to defend yourself, I don't think you'd continue in the same direction as those lights we saw in the fog."

HE DESCRIBED the speedy trip back toward Athens, some 23 miles to the south, testifying there were patches of heavy fog along the way. He said he overran a stop sign at the junction of Georgia 172 and U.S. 72 and his car ground to a halt in a ditch.

Sol. Gen. Johnson said he will present about 20 witnesses in his prosecution. A number of FBI agents were also to testify Tuesday.

A third Klansmen in the case, James Lackey, 29, has successfully asked that his trial, if any, be held separately from that of the other two, Cecil W. Myers, 25, and Joseph Howard Sims, 41.

Mr. Lackey's attorney, John W. Williford, of Elberton, filed the motion in federal court in Macon late Monday, asking that federal officials be enjoined from testifying in the Lackey case on grounds they (chiefly the FBI) illegally arrested Mr. Lackey, coerced a confession from him, and wrongfully detained him for questioning without advising him of his rights to have a lawyer or remain silent.

FEDERAL JUDGE William A. Bootle of Macon set a hearing in the injunction suit for Friday at 3 p.m. The prohibition of FBI testimony would presumably exclude the contents of a Lackey confession which he has recently repudiated. The FBI said Mr. Lackey admitted participating in the slaying and implicated Mr. Myers, Mr. Sims, and another Klansman, Herbert Guest.

All four men were arrested Aug. 6 by federal agents. A murder warrant against Mr. Guest was not presented to the Madison County grand jury here last week for indictment, however, along with the other three. But all four have been charged with the federal offense of conspiring to deprive Penn and other Negroes of their civil rights. That trial is still pending.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# White Jury Chosen in Penn Trial

By Paul Valentine
Special to The Washington Post

DANIELSVILLE, Ga., Aug. 31 —An all-white jury was chosen here late today in the trial of two Ku Klux Klansmen charged with murdering Washington, D.C. educator Lemuel Penn.

Defense attorneys formally pleaded the two men, Cecil W. Myers and Joseph Howard Sims, not guilty. Jury selection took all day, and testimony was expected to begin Tuesday.

For the first time in the memory of court veterans, two Negroes were chosen for possible jury duty. Both were stricken, however, by attorneys for the defense during the selection process.

A third Klansman, James S. Lackey, successfully asked for a separate trial in the Penn case. His court-appointed attorney, John Williford, said he needed more time to perfect a motion in Federal Court in Macon Ga., asking that Federal officials be enjoined from testifying in Lackey's case.

Williford contends Lackey was illegally arrested and coerced by the FBI into making a confession in the Penn matter. Lackey has since repudiated the confession.

All three defendants appeared in the crowded courtroom. During a lunch break, they chatted amiably among themselves and with members of their families at the trial.

Sims, 41, heavy-set and broad-faced, appeared in a short-sleeved shirt with tie. Myers, 25, who is dark-haired and slimmer in build, had a studious look with his horn-rimmed glasses and intense concentration on the day's proceedings. Lackey had a crew cut and was dressed in a dark suit.

A hot summer sun blazed down on this dusty north Georgia county seat of about 400 people. The crowd of some 200 spectators in the sweltering courtroom were in shirt sleeves. Negro spectators were segregated in a gallery above the main floor.

Penn, a Negro was killed early on the morning of July 11 as he and two other Negro Army reserve officers were driving through a remote section of Madison County. The surviving men reported a car passed them and two shotgun blasts were fired into the Penn car, killing Penn instantly.

Bangsolic
A W Gillay
File
6-

The Washington Post and Times Herald A3
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25823-A

NOT RECORDED
191 SEP 4 1964

SEP 1 1964

60 SEP 9 1964

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TASMNOR

UPI-13
(PENN MURDER)
DANIELSVILLE, GA.--THREE KU KLUX KLANSMEN ACCUSED OF THE MURDER OF NEGRO LEMUEL PENN, A PROMINENT WASHINGTON, D.C., EDUCATOR, GO ON TRIAL HERE TODAY.
ATTORNEYS FOR JAMES LACKEY, 29, ONE OF THE THREE, SAID HE WOULD SEEK TO HAVE HIS CLIENT TRIED SEPARATELY AND ASK FOR A WEEK'S DELAY TO PREPARE HIS CASE.
THE THREE ARE ACCUSED OF KILLING PENN WITH A SHOTGUN BLAST FIRED THROUGH THE WINDOW OF HIS CAR AS PENN DROVE ALONG A FOG-SHROUDED NORTH GEORGIA ROAD BEFORE DAWN JULY 11.
8/31--GE906A
-0-

File
6-

44-25

NOT RECORDED
191 SEP 3 1964

WASHINGTON CAPITAL NEWS SERVICE

64 SEP 3 1964

(Mount Clipping in Space Below)

# Penn Suspects Say Not Guilty

## Trial Begins for 2 of 3 Klansmen In Death of Negro Educator

By PAUL VALENTINE
Atlanta Journal Staff Writer

DANIELSVILLE, Ga., Aug. 31—An attorney for two of three klansmen charged with murder in the Lemuel Penn shooting formally declared them "not guilty" in a packed courtroom here Monday.

The third klansman, James S. Lackey, will be tried separately later. The joint murder trial of Cecil W. Myers and Joseph Howard Sims, however, got under way Monday morning with the prolonged process of drawing a jury promising to take the rest of the day.

By early afternoon, four jurors had been selected. Twenty had been rejected, 16 by attorneys' strikes and four because they said they opposed capital punishment.

Mr. Myers and Mr. Sims appeared in court dressed in short sleeve shirts with neckties. Mr. Lackey appeared in a dress suit. During the lunch break, the three chatted amiably among themselves and with members of their families present at the trial.

Sol. Gen. Clete D. Johnson is entitled to 10 strikes from the jury list for each defendant. Defense attorneys get 20 each, thus giving 60 strikes in the trial.

NINETY-FIVE MEN including two Negroes, were drawn for possible jury duty.

They and about another 100 spectators and newsmen jammed the aging red brick courthouse here in this rural North Georgia county. Negro

68 SEP 11 1964

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journal,
Atlanta, Georgia

Date: 8/31/64
Edition: Final
Author: PAUL VALENTINE
Editor: JACK SPALDING
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

NOT RECORDED
191 SEP 10 1964

spectators sat separately in a small gallery above the courtroom. Only two Negro prospective jurors took seats on the main floor.

Presiding Circuit Judge Carey Skelton called for absolute quiet in the courtroom, warning he would instruct bailiffs to escort anyone making conversation out of the building and off the courthouse grounds.

He also told baliffs to station themselves on U.S. Highway 29 leading into and going out from the town and to warn all truck drivers to slow down and proceed quietly past the courthouse.

PENN WAS killed early July 11 as he and two Negro companions were driving through a remote section of Madison County. The surviving Negroes reported a car passed them and two shotgun blasts were fired into the Penn car, killing Penn instantly. Penn was a Washington, D.C., educator and a lieutenant colonel in the Army Reserves.

Myers, Sims and Lackey were arrested by FBI Aug. 6 along with a fourth Klansman, Herbert Guest. All were charged with the federal offense of conspiring to deprive Penn and other Negroes of their civil rights.

Sol. Gen. Johnson, however, presented the indictments to the Madison County Grand Jury here last week against only Myers, Sims and Lackey.

Lackey's attorney, John W. Williford of Elberton, successfully asked Judge Skelton Monday to allow Lackey to be tried separately from the other two.

He said he also intends to ask the court for a continuance of the Lackey trial and for the "suppression of certain testimony" from Lackey's trial.

MR. WILLIFORD told newsmen he additionally planned to file in federal court in Macon further motions requesting that federal officials be enjoined from testifying in the Lackey case. He gave as his reason the accusations that Lackey was illegally held for questioning by the FBI under "investigative arrest" and that he was held in jail seven days before a commitment hearing on the federal charge which, he contends, violates a U.S. Supreme Court ruling on the subject.

He said Lackey is charged with conspiring to deprive Negroes of rights under the 1964 Civil Rights Act. But, he argued, the federal act cannot be used to convict persons of conspiring to commit state crimes, such as murder, but its use must be limited to federal crimes specified in the act.

Attorneys John Darsey of Commerce, James Hudson of Athens, and Harold Boggs of Danielsville represent Myers and Sims. Mr. Darsey was appointed to the job by Judge Skelton as was Nick Chilivis of Athens to assist in the defense of Lackey.

Gov. Sanders also apointed Northeastern Circuit Solicitor General Jeff Wayne to assist Mr. Johnson in the prosecution. Mr. Johnson said he specifically asked the governor for Mr. Wayne.

(Mount Clipping in Space Below)

# Trial of 2 Athens Klansmen In Penn Death Starts Today

By BILL SHIPP
Constitution State News Editor

DANIELSVILLE, Ga — Two of three Athens Ku Klux Klansmen indicted last week by a Madison County Grand Jury, are expected to go on trial here Monday on charges of murdering Lemuel Penn, Washington, D.C., Negro educator and Reserve Army officer.

The case promises to be a duel among some well known legal personalities in northeast Georgia, including a fiery "hand-picked" special prosecutor and a court-appointed defense attorney who was a prosecutor of major Japanese war criminals at the end of World War II.

Attorneys for Joseph Howard Sims, 41, and Cecil William Myers, 25, said over the weekend that they will "demand a speedy trial" and will be ready to proceed Monday morning.

Myers and Sims are represented by youthful Jim Hudson, Republican candidate for the state Legislature from Clarke County, and 60-year-old John Darsey of Commerce. Darsey, a former special assistant to the U. S. attorney general during the war years, was a prosecutor of Japanese Premier Tojo and other Japanese officials during the World War II war crimes trials in Japan.

John W. ~~(Billy)~~ Williford of Elberton, who represents James Lackey, said he will seek a continuance of Lackey's case "for about a week." Williford is expected to appear in federal district court in Macon this week to seek an injunction which would bar agents of the Federal Bureau of Investigation from testifying against Lackey. Williford is Superior Court judge-nominee of the Northern Judicial Circuit.

Northeastern Circuit Sol. Gen. Jeff Wayne of Gainesville will join veteran Northern Circuit Sol. Gen. Clete Johnson in prosecution of the case. Wayne reportedly was hand-

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution,
Atlanta, Georgia
Date: 8/31/64
Edition: Morning
Author: BILL SHIPP
Editor: EUGENE PATTERSON
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

NOT RECORDED
191 SEP 9 1964

66 SEP 10 1964

picked as special prosecutor by Johnson, Judge Carey Skelton and the office of Gov. Carl Sanders.

Retiring Northern District Judge Skelton of Hartwell has put down strict rules concerning conduct in the courtroom during the trial. Judge Skelton appointed Williford and Darsey as defense counsel.

"The judge doesn't want this to be turned into a side show," one courthouse official told reporters. "He is determined that this will be a fair and orderly trial."

Defendant Myers may be facing a Madison County jury when his wife gives birth to their fourth child. The baby is expected Friday.

Myers, 25, a native of Crawford, is a former textile plant worker and a laborer.

Sims, 41, a master machinist, is a native of Athens and is the father of eight children.

CAPACITY EXPECTED

The small, second-floor Madison County courtroom is expected to be filled to capacity for the trial. Sheriff Dewey Seagraves said additional chairs have been placed in the courtroom to accommodate reporters and the families of the defendants.

The names of 94 white persons and two Negroes have been drawn for petit jury duty. This marks the first time within memory that a Negro has been picked for jury duty in rural Madison County.

Penn, 48, was shot to death on the morning of July 11 when he and two other Negro Army Reserve officers, Lt. Col. John D. Howard, 42, and Major Charles E. Brown, 44, were en route to their homes in Washington, D.C. from Ft. Benning where they had been in summer training. Penn was director of adult and vocational education in Washington. The other two are teachers in the Washington school system.

EN ROUTE HOME

The three were driving north on Georgia Highway 172 about 23 miles northeast of Athens when another car drew alongside theirs and two shotgun blasts were fired, according to the FBI. Penn, who was driving, was struck in the left neck area and died instantly.

The three murder defendants and Herbert Guest, an Athens garage operator, were arrested by the FBI on Aug. 6 on civil rights charges in connection with the death of Penn.

A KEY WITNESS

The federal government later stepped aside to allow the state of Georgia to prosecute the three men on murder charges. The FBI said all four men were Ku Klux Klansmen.

# 2 Seek Delay Of Trial in Penn Slaying

DANIELSVILLE, Ga., Aug. 29 (AP).—A 41-year-old father of six may be the only one of the three men indicted on a charge of murder in the slaying of Lemuel Penn, Washington (D. C.) educator, to face trial Monday.

Attorney James Hudson, who represents Joseph Howard Sims, said he will be ready to try Sims' case, which begins at 10:30 a.m. in superior court, in this norhheast Georgia town.

Attorneys for the other two men indicted, Cecil William Myers, 25, and James S. Lackey, 28, said they would ask Judge Carey Skelton for a postponement on grounds that more time was needed to prepare their cases.

Solicitor General Clete D. Johnson said, however, he still plans to call the case against Myers and Lackey, and will oppose any move for separate trials or a postponement.

The three men, named as Ku Klux Klansmen by the FBI, were indicted by a grand jury, Tuesday, on charges of murder in the slaying of Mr. Penn, 49, who was killed by a shotgun blast while driving along a Madison County country road near Colbert, 18 miles from here. He was returning home after summer training as a lieutenant colonel in the Army Reserve at Ft. Benning, Ga.

The attorney for Lackey said he plans to seek a Federal injunction to prevent FBI agents from testifying against Lackey. The lawyer, John Williford, said Lackey was arrested illegally and therefore any evidence the FBI obtained against him after his arrest was illegal.

The FBI said Lackey admitted complicity in the slaying and implicated the others. Lackey has since repudiated the purported confession.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

NOT RECORDED
191 SEP 3 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A12
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

AUG 30 1964

TOP CLIPPING
DATED 8/31
FROM
MARKED FILE AND INITIALED

64 SEP 3 1964 215

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. C...
Mr. C...
Mr. ...
Mr. ...
Mr. ...
Mr. ...
Tele. ...
M... ...
Miss Gandy

## RESENTFUL OF COST IN PENN CASE

# Quiet Little Danielsville Set Astir by Murder Trials

By PAUL VALENTINE
Atlanta Journal-Constitution Staff Writer

DANIELSVILLE, Aug. 29 — Murder trials don't come up often in this quiet, dusty north Georgia county seat of 362 people. When they do, the community is set astir.

Men in shirt sleeves gathered last week beneath the ancient shade trees around the red-brick Madison County Courthouse and talked softly among themselves. The sun blazed down on the tin roof of the building, but it was cool inside and beneath the trees.

The faces of the men were weathered, tanned. Rural folks. Many wore straw hats. Some still had galluses to thumb. Occasionally a man passed wearing a necktie, even a coat. He was likely a lawyer, maybe an FBI agent come to this unfamiliar territory.

THE COURTHOUSE dominates the town square of Danielsville surrounded by a cluster of brick and wooden frame buildings. The passage of time seems a remote and inconsequential thing here. There is little movement or sound except the ceaseless rumble of traffic going slowly by the courthouse on U.S. 29. Above that sound and somehow suspended in the heat is the abrasive summer song of the cicadas

"We won't average one murder a year," said Sheriff DeWey Seagraves, calm, drowsy-eyed chief law enforcement official for Madison County's 11,000 inhabitants. "Hadn't had but four or five since I been here (as sheriff), and I been here 14 years."

BUT THIS WEEK, Madison County is faced with two murder cases on the same docket in the same term of court.

One concerns a Madison man charged with killing his wife.

The other concerns the shotgun slaying of Negro educator Lemuel Penn.

THREE KU KLUX Klansmen from the neighboring county of Clarke have been indicted for murder in the Penn case. They may receive separate trials.

The impending trial of the three Klansmen has triggered a series of reactions in Madison County.

In the conversation among the shirt-sleeved men beneath the shade trees there is a groundswell of resentment that their county must bear the burden of this issue, that 12 Madison County men must decide the fate of three comparative strangers from another county. The reason the trial is to be held in Madison County is that the shooting of Penn occurred in the county, on a remote road several miles east and north of Danielsville.

ALSO, the holding of an elab-

(Indicate page, name of newspaper, city and state.)

Page 15
The Atlanta Journal and Constitution, Atlanta, Georgia

Date: 8/30/64
Edition: Final
Author:
Editor: LUTHER McALLISTER
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

[X] Being Investigated

44-25073-A

NOT RECORDED
191 SEP 9 1964

orate trial is an expensive undertaking for a small county.

"It's going to cost this county money, big money," said Sheriff Seagraves. "It might not be big for some counties, but it is for this one."

"Somebody ought to ask the governor to get the state to help pay for this thing," said Edwin Poss, a Danielsville resident and member of the state House of Representatives.

ANOTHER novel feature of the current term of court is that names of Negroes were placed in the jury box for possible service on grand and traverse juries.

Sheriff Seagraves explained: "We read in the papers where the Supreme Court said you have to have both colored and white in the jury box. So we didn't want to have no trouble with any of these cases this term."

(He was apparently referring to a July 8 ruling by the Georgia Supreme Court in a Sumter County case declaring that "systematic exclusion" of either Negroes or whites from juries amounts to denial of equal protection guaranteed under the 14th Amendment.)

Until the current term of court, he said, "There's never been a nigger in that box." Last week, however, 17 Negro names were placed in the box holding a total of 800 names. Of that number, 23 white names were drawn for the grand jury and 94 white names and two Negro names for petit jury duty.

SHERIFF SEAGRAVES said the way the number of Negro names in the box was determined was by drawing the same percentage of Negro names from the county tax books as white names and placing them all in the jury box. He estimated there are 7,000 or 8,000 white names and about 200 Negro names on the tax books. Only about 10 per cent of the county's population is Negro, he said.

CIRCUIT JUDGE Carey Skelton, who will preside at the trials this week, sternly warned in his charge to the grand jury last week he will not tolerate any disturbance during the trial period. He told a crowd gathered in the courtroom he will not allow "eating of peanuts" or "chewing of gum or tobacco," not to mention smoking and "drinking of soft drinks."

He put a flat ban on any conversation in the courtroom and prohibited use of cameras or recording devices anywhere in the building or on the court grounds.

The FBI, which arrested the three defendants and charged them with the federal offense of conspiring to deprive Penn and other Negroes of their civil rights, says all are members of the United Klans of America.

Calvin Craig, Georgia grand dragon of the United Klans, said Saturday he is asking for "donations" to assist in the legal defense of the three men, Cecil William Myers, Joseph Howard Sims and James Lackey. A fourth Klansmen arrested in connection with the Penn shooting, Herbert Guest, was not indicted. He is in jail, however, under the federal charge of conspiracy. Lackey and Myers have court - appointed counsel.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Trial Slated Monday For 3 in Penn Slaying

Three men identified by the FBI as members of the Ku Klux Klan are scheduled to go on trial Monday in Danielsville, Ga., in the shotgun slaying of Lemuel A. Penn, the Washington Negro educator killed as he drove home from Army Reserve duty.

The three men, indicted yesterday on State charges of murder by a Madison County (Ga.) grand jury, are James S. Lackey, 28; Joseph Howard Sims, 41, and Cecil William Myers, 25, all from Athens, Ga.

Mr. Penn, 49, a lieutenant colonel in the Army Reserve, was hit by a shotgun blast from a passing car as he drove along a country road near Colbert, Ga., in pre-dawn darness July 11.

Georgia Solicitor General Clete B. Johnson said any attempts to put off trial of the three men would be opposed vigorously, the Associated Press reported.

Defense attorneys indicated they would move for postponement of the trial, claiming insufficient time to prepare their cases, the A. P. said.

Mr. Johnson said a murder indictment was not sought against a fourth man who had been arrested in the case because there was insufficient evidence. All four men originally were arrested by the FBI on Federal charges of conspiring to violate Mr. Penn's civil rights.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

19
07 AUG 28 1964

NOT RECORDED
19 AUG 27 1964

AUG 26 1964

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-128

(KLANSMEN)

DANIELSVILLE, GA.--THREE FORMER KU KLUX KLANSMEN WERE INDICTED FOR MURDER TODAY BY A MADISON COUNTY GRAND JURY IN THE AMBUSH SLAYING OF WASHINGTON, D.C. NEGRO EDUCATOR LEMUEL PENN.

8/25--DP431PED..

44-25073-1

NOT RECORDED
191 SEP 1 1964

56 SEP 3 1964

WASHINGTON CAPITAL NEWS SERVICE

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Goes to Grand Jury Killing of D. C. Educator

DANIELSVILLE, Ga., Aug. 25 (AP).—A Madison County grand jury takes up the shotgun slaying of a Washington, D. C., Negro educator today.

Four Athens (Ga.) men, identified by the FBI as members of the Ku Klux Klan, are being held in the slaying.

One of the four, James Lackey, yesterday repudiated through his court-appointed attorney statements investigators say he made about complicity in the killing.

The educator, Lemuel A. Penn, was driving home from Army Reserve duty with two companions early July 11 when two shotgun blasts were fired at the car from a passing vehicle.

### Seized by FBI

Others being held are Cecil Myers, Howard Sims and Herbert Guest

The FBI arrested the four on charges of conspiring to violate Mr. Penn's civil rights, but Federal authorities said they would turn the men over to the State for trial if the grand jury indicts them for murder.

The four men were arrested August 6 after an intensive FBI search of the Northeast Georgia area where the slaying took place.

Prosecutor Clete Johnson said he will not seek a murder indictment against Herbert Guest, a 37-year-old garage owner.

"The evidence is not there for a murder indictment," Mr. Johnson said. "He wasn't with them and he didn't know anything about it at the time."

### Donations Rise

In Washington, it was reported thatthe fund established to provide for the education of Mr. Penn's three children, Lemuel, jr., 5; Sharon, 10, and Linda, 13, has risen over $3,000.

Contributions to the Lemuel A. Penn Education Fund may be sent to 1509 Hamlin street N.E.

An Army spokesman said the family received $3,000 in death benefits shortly after the shooting. The widow and her three children will receive a dependency and indemnity compensation of $227 a month until the children are 21, according to the Veterans Administration. The widow then will receive a lesser amount for the rest of her life.

Mr. Penn also had a National Life Insurance policy, which will pay Mrs. Penn $4,000 over the next three years.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star FINAL
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25873-A

NOT RECORDED
191 SEP 1 1964

TOP CLIPPING
DATED 8/
FROM
MARKED FILE AND INITIALED

(Mount Clipping in Space Below)

# Klansman Repudiates Confession

By JACK NELSON
Constitution Staff Writer

DANIELSVILLE, Ga. — A court - appointed attorney for James Lackey Monday said that Lackey has repudiated his confession in the July 11 shotgun slaying of Lemuel Penn, Negro educator from Washington, D.C.

The announcement by John W. Williford of Elberton came on the eve of Madison County grand jury consideration of murder indictments in the case.

The FBI in a formal complaint against Lackey and three other Athens men, all identified as members of the Ku Klux Klan, said Lackey admitted his part in the crime and implicated the other three.

However, Williford, who is unopposed as Democratic nominee for the Superior Court judgeship of this circuit, said, "My client insists he is not in any way involved in this case. He repudiates any statement he might have made that would involve him or the other three defendants in any way."

Sol. Gen. Clete Johnson declared that he will seek mur-

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution
Atlanta, Georgia

Date: 8/25/64
Edition: Morning
Author: Jack Nelson
Editor: Eugene Patterson
Title: PENVIC

Character:
or
Classification:
Submitting Office: ATLANTA

☒ Being Investigated

44-35873-1
NOT RECORDED
101 SEP 1964

File

68 SEP 3 1964

der indictments Tuesday against Lackey, 28; Cecil William Myers, 25, and Joseph Howard Sims, 41.

He said he has no plans to seek a murder indictment against Herbert Guest, 37, the fourth suspect named in the FBI civil complaint. Murder warrants against all four defendants were sworn by Madison County Deputy Sheriff H. L. Pulliam shortly after their arrest on Aug. 6 on a civil rights complaint.

Judge Carey Skelton delivered a vigorous charge to the grand jury Monday, condemning violence and calling for fair and impartial justice regardless of "race, color, creed, religion, economical or social status" of those involved.

The judge, who retires from the bench at the end of this year, indicated that if indictments are obtained in the Penn case, the trials will be conducted in a tightly disciplined courtroom.

He issued a sweeping order barring photographs of any parties "to any trial or of any defendant, or prosecutor, attorney, witness, juror, court official or spectator," while they are in the courthouse or on the courthouse grounds.

The order also prohibits tape recordings of any statements made in the courthouse or on the grounds.

In instructions unusually severe for a rural courthouse, the judge also told the bailiffs that he would tolerate "no chewing of gum or chewing of tobacco, drinking of soft drinks or eating peanuts."

He said he wanted no audible conversation, then added, "in fact, no conversation."

Judge Skelton, told the jurors, "No loyal American should advocate defiance of law."

"All loyal Americans should abhor and condemn violence wherever it occurs — whether it be in Georgia, Illinois, New Jersey, Mississippi, New York, California or any other state," Judge Skelton declared. "We believe in orderly and legal process in every state. We in Georgia do not condone 'taking the law into one's own hands' by any individual, group or mob . .

"Any American . .who sanctions, condones, or encourages defiance of duly constituted legal authority or who advocates or participates in violence . . does his country and its citizens a wicked and pernicious disservice."

Williford said if the jury indicts Lackey, he will ask that the trial not be set at this term of court because he said he has not had time to prepare a defense.

Jim Hudson and V. F. Hawkins, attorneys for Myers, Sims and Guest in the civil rights case, said that if Myers and Sims are indicted Tuesday, they also will ask that their trials be postponed until after this session of court.

Meanwhile, it was learned that Madison County now has the names of Negroes on its jury lists for the first time in the memory of local courthouse observers.

County officials said the jury commission recently revised its jury list and included the names of 17 Negroes among the names of more than 800 persons on the jury list.

None was selected for the grand jury, but two Negroes' names, among 126 prospective jurors, were drawn for traverse jury this time.

Tyson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Penn's Family Will Get Benefits of Dead Soldier

By Dorothy Gilliam
Staff Reporter

The family of Lemuel A. Penn, the Washington Negro educator who was shot to death in Georgia last month, will receive Army benefits because Penn died as an active soldier, an Army spokesman said here yesterday.

Penn, director of vocational and adult education for District Schools and a lieutenant colonel in the Army Reserve, was killed as he was driving home to Washington from Ft. Benning, Ga., where he had been in summer training. The shooting occurred at dawn on the day when his active duty status would have ended.

(James Lackey of Athens, Ga., one of four men held in Penn's slaying, repudiated through an attorney any statement involving him in the crime, the Associated Press reported.

(The FBI had earlier quoted Lackey as admitting complicity in the July 11 killing and involving the other three.)

According to the Army spokesmen, the family received $3200 immediately upon Penn's death — $3000 death gratuity and $200 back salary.

In addition, the widow, Georgia, and her three children, whose ages range from 5 to 13, will receive a dependency and indemnity compensation of $217 monthly until the children are 21. The widow will then receive a lesser amount until her death.

Penn had a National Service Life Insurance policy worth $4000 which will be paid to the family in installments, the Army spokesman said.

Mrs. Penn and the children also are eligible for free medical care, commissary, post exchange and theater privileges.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

NOT RECORDED
191 AUG 27 1964

AUG 25 1964

56 AUG 27 1964

(Mount Clipping in Space Below)

# KLANSMAN DENIES PENN CONFESSION

By PAUL VALENTINE
Atlanta Journal Staff Writer

DANIELSVILLE, Ga., Aug. 24—James Lackey of Athens has repudiated a confession involving him in the July 11 shotgun slaying of Negro educator Lemuel Penn, Lackey's attorney said Monday.

John W. Williford of Elberton, appointed to defend Lackey by Northern Judicial Circuit Judge Carey Skelton, appeared in Madison County court as the grand jury which will consider the Penn murder case was sworn in and charged here.

Mr. Williford told The Atlanta Journal: "Lackey says he is not guilty of any crime nor was he involved in this particular tragic happening in Madison County.

"He repudiates entirely anything in any statement which involves him in the commission of any crime."

Mr. Lackey, along with three other Athens white men—Cecil Myers, Howard Sims and Herbert Guest—were arrested by FBI agents and charged with conspiring to deprive Penn and other Negroes of their civil rights.

Madison County sheriff's deputies subsequently signed murder warrants against the four. The four men, who FBI say are members of the United Klans of America, are still in federal custody, however, and the state murder warrants are

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journ
Atlanta, Georgia

Date: 8/24/64
Edition: final
Author: Paul Valent
Editor: Jack Spaldi
Title: PENVIC

Character:
or
Classification:
Submitting Office: ATLAN

☒ Being Investigated

NOT RECORDED
191 SEP 2 1964

SEP 3 1964

being used only as detainers at the moment.

If the grand jury returns murder indictments against the four, they will be released to state authorities.

Penn was killed while driving through a remote section of Madison County about 23 miles northeast of Athens early on the morning of July 11. Two Negro companions survived, reporting a car passed them and two shotgun blasts were fired into the Penn auto.

FBI agents later claimed Lackey admitted participating in the incident.

Mr. Williford, Lackey's court appointed lawyer, is scheduled to become the Northern Judicial Circuit's next judge. He faces no opposition for the position in either the primary or general election this fall. Judge Skelton, who appointed him to defend Lackey, is retiring.

In another development Gov. Sanders has appointed Northeastern Circuit Sol. Gen. Jeff Wayne of Gainesville to assist Northern Circuit Sol. Gen. Clete D. Johnson in prosecution of the Penn case, if true bills are returned by the county grand jury here. Mr. Johnson said he specifically requested Mr. Wayne as his assistant.

An all white grand jury of 23 men began deliberations Monday for the current term of court.

Sol. Gen. Johnson said however, he will not present evidence in the Penn case until Tuesday morning.

He said if true bills are returned, trial will begin next week. Attorneys close to the matter indicated the indictments will be processed separately and the four men tried individually.

V. G. Hawkins and James Hudson, counsel for Guest, Myers, and Sims, appeared in court in Danielsville also.

J. Ralph Whitehead, a cotton gin businessman in Danielsville, was selected foreman of the grand jury.

In his strongly worded 35-minute charge, Judge Skelton warned "We in Georgia do not condone anyone taking the law into his own hands or any group or crowd or mob in any village, city or state."

The judge outlined strict rules for conduct in his court during the current term. He said, "There will be no talking, no smoking, no drinking of soft drinks, no eating of peanuts or other food and no chewing of gum or tobacco."

He warned he will order bailiffs and deputy sheriffs to exercise their full authority to prevent any disturbance. The judge also posted an order in the court building prohibiting newsmen from using cameras or recording devices in the courtroom.

(Mount Clipping in Space Below)

# Madison County gets FBI report of Penn slaying

A lengthy, detailed report on the Federal Bureau of Investigation's probe of the slaying of Washington, D. C., Negro educator Lemule A. Penn has been turned over to Madison County Solicitor General Clete Johnson, Joseph K. Ponder, special agent in charge of the Atlanta bureau of the FBI, reported.

Johnson said he has had little time to examine the report but "from what I have read, I feel I can get an indictment from the Grand Jury in Danielsville next Monday."

Four Athens men described by J. Edgar Hoover as being members of the Ku Klux Klan were arrested last month by the FBI and charged with a civil rights violation in connection with the shooting.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 14A
The Atlanta Times
Atlanta, Georgia

Date: 8/19/64
Edition: Georgia
Author:
Editor: Luke Greene
Title: PENVIC

Character:
or
Classification:
Submitting Office: ATLAN

[X] Being Investigated

NOT RECORDED
19 AUG 27 1964

61 AUG 27 1964

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr.
Miss Gandy

# U.S. Letting State Try 4 Klansmen

By BILL SHIPP
Constitution State News Editor

ATHENS, Ga.—Federal officials prepared Friday to step aside and allow the State of Georgia to prosecute four Athens Ku Klux Klansmen in the July 11 shotgun killing of Lemuel Penn, Negro educator.

Federal and state officials announced agreement on plans for prosecution, after three of the suspects waived a committal hearing Friday on the federal charges of violations of U.S. Civil Rights laws.

The four have been charged with murder in state warrants.

The hearing was waived after U.S. Commissioner Giraird W. Hawkins denied a defense motion to bar newsmen from the hearing.

A fourth suspect, James Lackey, 28, waived the hearing Thursday. The other three defendants are Cecil William Myers, 25; Joseph Howard Sims, 41, and Herbert Guest, 37, all of Athens.

After waiving hearing the four were whisked away from Athens by U.S. deputy marshals and taken to Macon for detention until the Madison County grand jury convenes.

STATE MAY GET CASE

Floyd Buford, U.S. attorney for the Middle District of Georgia, released a statement on behalf of himself and Northern District Sol. Gen. Clete D. Johnson.

"If the state grand jury returns true bills, the defendants then will be placed in custody of state officials in order that the state may try them," the statement read.

"Federal officials will cooperate and assist the state officials in every possible way in the state prosecution," Buford said.

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution
Atlanta, Georgia
Date: 8/15/64
Edition: Morning
Author: Bill Shipp
Editor: Eugene Patter
Title: PENVIC

Character:
or
Classification:
Submitting Office: ATLANTA
[X] Being Investigated

40-25[illegible]-3-1

NOT RECORDED
19[illegible]

FD
06 AUG 2[illegible] 1964
FC

File
6-[illegible]

**GOING TO GRAND JURY**

Evidence in the case will go during the week of Aug. 24 to the grand jury in Madison County where the slaying allegedly occurred.

The four suspects were taken to Macon in two cars driven by marshals.

Two of the men shielded their faces with their manacled wrists and two others lay down across the back seat to avoid a crowd of onlookers outside the Athens federal building where the hearing was held.

Commissioner Hawkins called the hearing to order shortly after 10 a.m.

Two agents of the Federal Bureau of Investigation brought three sawed-off double-barreled shotguns with pistol grips into the hearing room to be used as prosecution evidence.

Guest, dressed in a brown suit, Myers in a bright red sport shirt and Sims in a white shirt sat calmly and occassionally chatted with one another while their attorneys argued for them.

Defense Attorney Jim Hudson moved for dismissal of the federal charges of conspiracy and violation of Penn's civil rights.

He said the charge was improperly drawn and that the U.S. government should have sued for an injunction against the four instead of bringing criminal action.

Commissioner Hawkins denied the motion.

Defense Attorney Hudson then moved to clear the room of newsmen. He said Buford planned to introduce a confession by Lackey as evidence.

Hudson said disclosure of Lackey's account before newsmen would prejudice "all prospective" jurors at any future trail. Hudson charged that Lackey's account of the shooting was "fundamentally unreliable."

Buford countered angrily that a public hearing was a fundamental American right, that the press had a right to be present and that Lackey's confession is "very reliable" and was obtained "freely and voluntarily."

Hawkins refused to clear the room, and Hudson waived the hearing to keep the contents of Lacey's statement from being revealed.

Then Hudson and the other defense attorney, V. S. Hawkins, (the commissioner's father) tried to get Commissioner Hawkins to lower the amount of bond from $25,000 each.

Attorney Hawkins told his son he thought he had set a "prohibitive and unreasonable bond". Attorney Hawkins suggested that a $10,000 bond would be "entirely fair."

He asked his son if he had ever set such a high bond before.

"Have you ever set bond for a group of men who went out in the middle of night and killed?" asked Buford. "The bond seems fair," he said.

Hawkins refused to change it, although his father continued to request him to lower it.

Penn, a Washington, D.C., educator, was shot to death early on the morning of July 11 as he and two other Negro Army reserve officers were enroute home from Ft. Benning.

The FBI announced the arrest of the four, identified as members of the United Klans of America, Inc., Knights of the Ku Klux Klan, on Aug. 6.

(Mount Clipping in Space Below)

Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Gale
Mr. [illegible]
Mr. [illegible]
Mr. Tavel
Mr. [illegible]
Tele. Room
Miss Holmes
Miss Gandy

# 3 Athens Klansmen Waive Hearings

By PAUL VALENTINE
Atlanta Journal Staff Writer

ATHENS, Ga., Aug. 14—In a sudden change of strategy Friday, three of the four Ku Klux Klansmen held in connection with the July 11 shotgun slaying of Negro educator Lemuel Penn waived scheduled preliminary hearing on federal charges of conspiracy.

Attorneys for the three said they feared government officials would reveal an alleged confession of the fourth Klansman, which implicated the three.

Since presiding U.S. Commissioner Giraird Hawkins declined to exclude newsmen from the hearing, the attorney said, they would just waive it and skip the whole procedure. State murder warrants have also been signed against the four.

Attorney James Hudson described the confession of James Lackey, 29, as "fundamentally unreliable." (Lackey waived preliminary hearing earlier this week.)

MR. HUDSON said revelation of the confession's contents to the general public, and thus to prospective jurors of any future trial in the case, would be damaging, especially if the confession should later be ruled inadmissible.

Mr. Hudson was overruled by Commissioner Hawkins on an

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journa
Atlanta, Georgia

Date: 8/14/64
Edition: final
Author: Paul Valentir
Editor: Jack Spaldin
Title: PENVIC

Character:
or
Classification:
Submitting Office: ATLANT

[X] Being Investigated

NOT RECORDED
191 [illegible]

File
6-Ant

60 AUG 25 1964

other motion to have the charge —that the four Klansmen conspired to deprive Penn and other Negroes of their civil rights—dismissed.

Mr. Hudson said an 1870 federal conspiracy statute is being applied against alleged deprivation of the rights in the 1964 act.

Since penalties are different in the 1870 and 1964 laws, he argued, they cannot be properly related in a criminal charge.

FLOYD BUFORD, U.S. attorney for the Middle District of Georgia, argued the Lackey confession is "very reliable" and was obtained "freely and voluntarily."

A crowd of about 50 persons gathered in the second floor hall of the Athens Post Office while the brief hearing went on. FBI agents carried in three sawed-off shotguns with pistol-style handles on them, but the hearing was abandoned before any evidence was introduced.

The three defendants, Joseph Howard Sims, 41, Cecil W. Myers, 25, and Herbert Guest, 37, all of Athens, sat silently in the crowded hearing room.

V. G. Hawkins, attorney for Sims and, coincidentally, the father of Commissioner Hawkins, asked that the $25,000 bond on each defendant be reduced to $10,000.

He said $25,000 is "prohibitive and unreasonable." He asked if the commissioner had ever imposed such a high bond.

"Have you ever had a group of men who went out in the middle of the night and killed?" District Attorney Buford blurted out angrily. "I think the bond is reasonable in this case."

Commissioner Hawkins refused to change it.

PENN, A Washington, D.C., educator, was shot to death early on the morning of July 11 as he and two other Negro Army reservists were driving through a remote section of neighboring Madison County.

The two surviving Negroes said a car passed them and two shotgun blasts were fired into the Penn car.

Lackey, Sims, Myers and Guest were subsequently arrested in Athens by FBI agents who said they were all members of the United Klans of America, Inc., Knights of the Ku Klux Klan.

Following the abortive preliminary hearing Friday, District Attorney Buford and Clete D. Johnson, solicitor general of the Northern Judicial Circuit, released a statement saying that since no federal hearing was held, evidence in the case will be presented Aug. 24 to the Madison County grand jury.

The statement said if the jury returns true bills, the four Klansmen will then be released to state custody.

Murder trials for the four men thus could be held in early September. A federal trial on the conspiracy charge probably would not be held until after the next federal grand jury convenes in January.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-119
(PENN MURDER)
ATHENS, GA.--THE FBI AGREED TODAY TO LET THE STATE OF GEORGIA TRY FOUR KU KLUX KLANSMEN ON CHARGES OF MURDER IF THEY ARE INDICTED BY A GRAND JURY FOR THE SHOTGUN SLAYING OF WASHINGTON NEGRO EDUCATOR LEMUEL PENN.
A GRAND JURY WILL CONVENE AUG. 24 IN NEARBY DANIELSVILLE TO HEAR STATE CHARGES AGAINST THE FOUR.
THREE OF THE KLANSMEN WAIVED A PRELIMINARY HEARING TODAY BEFORE A U.S. COMMISSIONER, AND WERE TO BE TRANSFERRED TO THE BIBB COUNTY JAIL IN MACON LATER TODAY.
MADISON COUNTY SOLICITOR CLETE JOHNSON SAID THE FBI HAD AGREED TO LET THE STATE BRING THE CASES TO TRIAL FIRST IF AN INDICTMENT IS RETURNED. FEDERAL CHARGES OF CONSPIRACY AGAINST NEGROES WERE FILED AGAINST THE MEN.
8/14--GE158P

44-[illegible]
NOT RECORDED
191 AUG 17 1964

File
6-[illegible]

660 AUG 18 1964

WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

# Politics Cloud Slaying Action

THE INVOLVEMENT of the U.S. Justice Department in Washington in the aftermath of the tragic and heinous slaying of Negro educator Lemuel Penn on a Georgia highway is clouded with political overtones.

Officials of the department in Washington have played a role in the investigation and now the arrest of four men. Reliable sources close to the case have confirmed the involvement.

LET NO ONE misconstrue our position. We want the parties guilty of perpetrating this crime captured and severely punished. The fact an assassin would drive alongside a car on a Georgia highway and fire a shotgun blast killing a man is inexcusable and we are among the first to condemn such.

But to add insult to injury is also inexcusable and this is what Washington officials appear to be doing.

THE JUSTICE Department in Washington was "in consultation" with government officials in Athens when the complaint against four men accused of the slaying was prepared. Whether or not Washington wrote the complaint we cannot say, but we do not believe those in Athens would on their own have been deceitful. Deceit was evidenced in the claim that the arrests were made under the 1964 Civil Rights Act, when in truth, they were made under an 1870 act and the 1964 bill was only used as a reference.

Law is an exacting practice. No one knows this better than the Justice Department. It would therefore be unreasonable to believe that such an articulate group would have accidentally misled the public as it did.

THE ONLY conclusion that can be drawn is that intent was present. Why was the deceit carried out? It, along with other facts, can only indicate political motivation.

What are the other facts?

First, a Federal charge was made on a rather strained line of reasoning as to the law.

Secondly, it has long been a generally accepted practice for the FBI to work with local authorities. In this case, though the greatest crime committed was murder and not a violation of civil rights, the FBI worked alone. In fact, local police officials have been quoted as saying the FBI did not consult with them during the investigation.

Thirdly, the magnitude of the Federal crime being lesser than that of the state crime, arrest on the greater charge should have come first.

Fourthly, even some time after the warrant on the Federal charge was issued, state officials had not been apprised of evidence in the hands of the FBI to determine whether a state murder charge was in order.

BEARING these facts in mind, we can only assume that it was almost as important to someone to gain political benefits by waiving the civil rights bill before the nation's eyes as to see justice.

Did the Federal government for one minute think the State of Georgia would not prosecute alleged murderers? We don't think so.

68 AUG 18 1964

File
6 Jul Mc Cry Kle
44-25873

Mr. Belmont
Mr. Mohr
Mr. Casper
Mr.
Mr.
Mr.
Mr.
Mr.
Mr.
Mr.
Tele. Room
Miss Ga...

(Indicate page, name of newspaper, city and state.)

Page 4B

SAVANNAH MORNING N

SAVANNAH, GEORGIA

Pen Voc

Date: 8-9-64
Edition: Home
Author:
Editor: Henry H. Schul
Title: J

Character:
or
Classification:
Submitting Office: Savann

☐ Being Investigated

44-
1

NOT RECORDED
191 AUG 17 1964

~~Did~~ FEDERAL officials feel a greater wrong was done to Lt. Col. Penn by violating his civil rights than by murdering him? Though the action would indicate so, we don't believe this is the true case either.

Why then, when the FBI had sufficient evidence to make an arrest did it not turn to state officials and allow them to apprehend the alleged killers?

PRESIDENT JOHNSON only a couple of weeks ago commented that he believed local law enforcement should prevail and that Federal involvement should come only when and if a state can't or won't act.

But Georgia wasn't given the chance to act until after the government had acted. Is this in keeping with the President's words or were these words meant just for the ears of his Northern political strongholds?

If the President meant what he said to the nation, why was not his position followed?

WE WOULD not immediately levy blame against the President for we would first want to know who gave the instructions.

But the fact does remain that the procedures used in this case by government authorities were in reality contrary to the publicly-stated policy of the President of the United States.

We would hope that if the President was sincere, he would now initiate an investigation to see who was responsible for the course of events in this case and why they so acted.

The President himself cautioned the use of Federal agents in local matters. In New York's bloody riots, the FBI was ordered in by the President who said the action was "only to supplement and aid" the efforts of local authorities.

WHY CANNOT the State of Georgia expect the same treatment?

We fear the answer is all too simple. It all depends on where the incidents occur and this can be laid at the feet of political implications and only there.

A far greater fear arises in our minds . . . the police state or a Federal police force.

The law and precedent have been strained in the Georgia case.

But if the Federal government becomes involved in such a strange manner as in this case, does it not point to the possibility that it could strain the law even further?

Where then is the stopping point?

THE FIRST step would be a change in the policy of politics above justice.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# KLAN SUSPENDS 4 PENN CASE MEN

ATLANTA, Aug. 4 (AP).— Calvin Craig, the Georgia Grand Dragon of the United Klans of America, said today four men arrested in Athens in the slaying of Lemuel Penn, Negro educator of Washington, D. C., have been suspended by the Klan.

He said suspension is automatic when a member is held in connection with a major crime.

If a member is subsequently convicted by a court jury, reported Mr. Craig, he is automatically banished from the Klan.

PENVIC

NOT RECORDED
191 AUG 11 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A-8
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 8-9-64

67 AUG 18 1964

(Mount Clipping in Space Below)

# Let State Try Penn Killers

SOLUTION of the dastardly slaying of Negro educator Lemuel Penn as he rode along a Georgia highway may be at hand.

Four men, one of whom is quoted as admitting complicity, have been arrested. If they are the guilty parties, their day in court will mark the climax of a tragic episode in our state's history.

GEORGIA has awaited solution of this heinous crime. Its responsible citizens have longed for the arrest, conviction and punishment of those guilty. They have bowed their heads with shame that such could or would occur in this state.

Not one thinking citizen can to any degree condone the crime and we ask no mercy for whosoever is guilty of it.

CREDIT FOR the arrest and first charges brought against the four accused men goes to the FBI which was ordered into the case by Attorney General Robert Kennedy. If the four are proven guilty, it will be another page in the long-respected record of FBI ability.

But there is a page in American justice being written in this case that will not be creditable. It is a page of deceit and political motivation apparently being written by the Justice Department in Washington.

RELIABLE government officials have told this newspaper that the Justice Department in Washington "played a role" in announcing the arrests and in drafting in complaint against the accused men.

The deceit involved is the assertion that charges were brought under the 1964 Civil Rights Act.

IN TRUTH, the charges were made under an act of 1870, commonly known as the Ku Klux Klan act, and the 1964 act was simply used as a "reference".

The 1964 Civil Rights Act actually contains no provision for criminal arrest or criminal punishment. It provides for civil action against anyone denying a person civil rights by authorizing the issuance of a court order. Only after a person violates that court order is he subject to punishment. He would then be guilty of contempt of court.

But the Justice Department has announced the men were arrested under a provision that would call for a fine of $5,000 and/or up to ten years in jail. This penalty is carried in the 1870 act which provides as follows:

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States or because of his having so exercised the same, or if two or more go in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment or privilege so secured, they shall be fined not more than $5,000 or imprisoned not more than 10 years or both".

IN SAYING the 1964 Civil Rights Act was used as a reference, we simply mean that it is a U.S. law and under the 1870 act, two or more men cannot conspire to deprive a person of those things guaranteed under a U.S. law.

Officials close to the case have said the Justice Department is apparently following the line of thinking that because a man is traveling a highway, it is reasonable to assume that sooner or later he will be stopping and using a "public accomodation". Thus, if he is prevented or hindered in travel, it must necessarily follow that he will ultimately be denied the use of a public accomodation. Further, that if he is being hindered or prevented from traveling because of his race, a provision of the 1964 Civil Rights Act has been violated.

68 AUG 18 1964

Mr. Belmont
Mr. Mohr
Mr. Conrad
Mr. Callahan
Mr. Casper
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

File 6-4-64

Page 4A

SAVANNAH MORNING NE

SAVANNAH, GEORGIA

Date: 8/8/64
Edition: Home
Author:
Editor: Henry H. Schul
Title: PENVIC

Character:
or Racial Matt
Classification:
Submitting Office: Savannah
Being Investigated

44-25873-4

NOT RECORDED
191 AUG 17 1964

44-25873

WITH THIS reasoning, it follows that if two or more persons are involved in preventing this travel, there has been a conspiracy to deny a citizen the enjoyment of a U.S. law and thus, the act of 1870 has been violated.

The complaint, simply stated, alleges that Col. Penn was denied enjoyment of his rights under the 1964 Civil Rights Act. Specifically, it alleges that he was denied rights under the public accommodations and public facility section.

AN IRONY exists in the 1870 act in that it provides action against conspiracy. If two or more persons are involved, the act applies, but if only one is involved, there is no federal jurisdiction and the act cannot be applied.

Whether or not the Justice Department will prosecute the four accused men under this act or be satisfied with the publicity for the 1964 Civil Right act if falsely claims to have been applied in this case, we will have to wait and see.

IF IT DOES prosecute, the courts will have to substantiate the department's reasoning as stated above and will have another ticklish question to decide.

Some state courts have held that a penalty in one law cannot be applied for breach of another law if the second law does not provide for any criminal punishment. In so ruling, the courts have said that the "intent" of a law is the important factor. If the civil rights act had been intended to provide criminal prosecution and punishment, it should have so stated.

BUT ONE FACT stands forward in this case. The Federal Government has attempted to mislead the public.

It was determined to make a case and to stigmatize it with racial overtones.

Unlike the thousands of cases that have gone before, the FBI in this case did not turn to the state government and say "here is the evidence we have against these men, now you act".

FOREMOST in this case is the murder of a citizen. It is a crime that in the State of Georgia carries the death penalty. The case should have been handed to Georgia authorities as soon as the evidence was sufficient to warrant arrest. Since the government theoretically had to implicate the accused in the crime of murder in order to substantuate their federal charges, the government should have yielded to the state and the more serious crime.

But it didn't and there must have been another motive in pressing the federal charge and this motive could only be political.

(Mount Clipping in Space Below)

# Let's Keep Politics Out of Murder

The grey ghost of the Reconstruction Era and the stealthy hand of Attorney General Robert F. Kennedy are evident in the arrest of four Athens men charged with the slaying of a Washington, D.C., Negro educator.

The wanton killing of Lemuel Penn, a lieutenant colonel in the Army Reserve, while traveling on the highways of Georgia was senseless. Murder under any circumstance is an act which can not and should not be tolerated by society. Its offenders must be dealt with in accordance with the generally accepted principles of our democratically adopted and enforced criminal and penal codes.

Reports emanating from Athens should send a cold chill up the spine of freedom loving Americans throughout the length and breadth of the nation.

Murder, it must be remembered, is not a federal crime. It is a crime committed against the laws of the several states. In the past this has always been an accepted and undisputed fact.

In the year 1964 and the month of August this long-standing practice has been challenged by the federal government. Acting first under the provisions of a law of the 1870s, which provides a penalty of $5,000 fine or 10 years imprisonment, covering those who "conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States." This was one of the so-called Ku Klux Klan Acts.

When taken before the U.S. commissioner at Athens, the four men in custody were told that they were being charged with violation of the "Civil Rights Act" of 1964. The Justice Department in Washington reasoned that Penn and his fellow Army Reservists would have used public accommodations protected by the 1964 act and thus the action of their assailants deprived them of this law-given right. No criminaly penalty attaches to this section of the 1964 law. It invokes an injunctive proceeding. Violation of the injunction subjects the violator to contempt of court proceedings and its undefined penalties.

The status of Reconstruction Era laws is questionable at best. Many of the acts were declared unconstitutional by the Supreme Court and others were repealed during the second Cleveland administration. How much of that era's laws remain valid within the meaning of the Supreme Court's decisions poses a legal snarl that'll keep the lawyers busy for a long time to come.

Of present interest and concern, however, is the application of the "Civil Rights Act" of 1964 to a murder case on the basis of an assumption that the victim would have used certain facilities. Enforcement of law on the basis of supposition flies directly into the face of all our established legal concepts. The Athens action on the part of the Justice Department appears to be a further withering away of state law enforcement, despite the pronouncements of President Johnson in this area of concern.

Also, somewhat disturbing is the trend toward making announcements in pending investigations from Washington rather than the appropriate field office. Is this but another harbinger of the fabric of centralized control which is being woven about us?

We cannot avoid wondering whether the Justice Department, in this particular case, is interested in bringing justice about in a murder case or whether its prime concerns rests with the political advantage to be secured from a somewhat strained interpretation of the "Civil Rights Act" of 1964. If the latter be true, it further substantiates the often heard contention that the "Civil Rights Act" is bad legislation.

The ways of Washington are devious, we know, but we hope that they'll have the moral decency to keep politics out of murder. Let's get on with the job of dispensing justice.

6C AUG 10 1964

Mr. Mohr
Mr. Conrad
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 4

SAVANNAH EVENING PF

SAVANNAH, GEORGIA

Date: 8-8-64
Edition: Late News Fi
Author:
Editor: Thomas F. Cof
Title:

Character: D
or Penn
Classification: CR
Submitting Office: Savanr

☐ Being Investigated

44-25873
44-25873

NOT RECORDED
191 AUG 1964

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# THE KLANSMEN CHARGED WITH MURDER

By United Press International

ATHENS, Ga.

The state of Georgia filed murder charges against four Ku Klux Klansmen arrested by the FBI for the July 11 nightrider slaying of a prominent Washington Negro educator. Gov. Carl Sanders made clear the state would act decisively in the case.

"If those arrested are determined to be responsible for the crime, they will be dealt with properly," Gov. Sanders declared.

Victim in the slaying was Lemuel A. Penn, 48, a lieutenant colonel in the Army Reserve and director of adult and vocational training in Washington schools.

He and two other Negro officers were returning home from summer Army training at Ft. Benning, Ga., when two shotgun blasts ripped into their car along a dark, foggy road near Colbert, Ga.

Charged in the crime are James Lackey, 29, a service station attendant; Joseph Howard Sims, 41, a machinist; Cecil William Myers, 25, a textile worker, and Herbert Guest, 37, a garage operator.

U. S. Commissioner Girard Hawkins said Lackey confessed to participating in the shooting and implicated the other three. They are all in Clarke County jail at Athens.

James E. Hudson, an attorney representing all the defendants except, indicated Lackey may turn state's evidence.

This was brought out when reporters asked Mr. Hudson if he had any connection with Lackey.

"Well, no, certainly not if he might testify against my clients," the lawyers replied.

Lackey and Guest were in one cell and the other two were in another part of the jail.

The FBI arrested the four Thursday on charges of conspiring to violate Mr. Penn's civil rights, and with conspiring to violate the civil rights of the two companions, Charles E. Brown and John D. Howard. The charges carry a maximum 10-year prison term.

Since the state has stepped in and filed stiffer charges, Federal authorities may not press their case.

President Johnson personally ordered the FBI into the Penn slaying investigation and put J. J. Casper, assistant FBI director, in charge.

A preliminary hearing is expected next week. The Clarke County grand jury is scheduled to meet Aug. 24.

The FBI charges said that Lackey, Myers and Sims "did shoot and kill Lemuel Penn," and that Guest's garage "has been a frequent gathering place for the other three and other members of the United Klans of America, Inc., Knights of the Klu Klux Klan."

The Athens headquarters of the Klan, where Sims was arrested, was empty yesterday and a receptionist in an oce below the KKK headquarters said no one had visited the headquarters all day.

Guest's garage is within sight of the jail where the four are being held. Charles Smith, 25, who has worked for Guest for about six weeks said: "I just don't believe they did it. I sure wish they'd find the ones that did and let those boys go."

A sawed-off shotgun and a high-powered rifle hung on the wall of the garage office where Mr. Smith talked with a reporter. "He (Guest) had some more guns up there but the FBI came in and took about a half dozen," he said.

Pendic

44-25873-12

NOT RECORDED
191 AUG 14 1964

Full Hr
6-Hr

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

AUG 8 1964

70 AUG 14 1964

James Lackey, 29, married, a service station attendant. He is the only one of the four who is not a long-time Athens resident. He has lived there only a few years and is not well known.

Joseph Howard Sims, 41, father of six. A highly skilled machinist and Navy battle veteran. Charged with pointing a pistol at civil rights demonstrators several months ago.

Herbert Guest, 37, married. Operates a garage. Guest was arrested June 21 after shots were fired into a Negro's home, wounding two. Fined $105 for disorderly conduct. A gun collector.

Cecil William Myers, 25, a yarn plucker, married, the father of three children. His wife expects their fourth next month. Like other defendants, Myers is said to frequent Guest's garage.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

## *The Penn Case*

The swift arrest of three Ku Klux Klansmen in Georgia on charges of murdering Lemuel Penn is an example of the superb police work of which the FBI is capable. Mr. Penn was the Negro educator from Washington who was killed by a shotgun fired from a passing car as he was driving through Georgia. It would have been a tragic commentary on America if this despicable crime were left unsolved or unpunished.

The three defendents will now be tried in Georgia on a murder charge. They also face possible trial in Federal courts (along with a fourth Klansman) on charges of violating the new civil rights act by "threatening, injuring, oppressing, intimidating and killing Negro citizens." It was this Federal law which enabled the FBI to enter the case and arrest the Klansmen.

Coming as it does so soon after the FBI's discovery of the three murdered civil rights workers in Mississippi, the arrest should have one especially salutary result. It should help restore Negro confidence in the efficacy and earnestness of the FBI in civil rights cases. Rightly or wrongly, Negroes have felt that the FBI was too intimately involved with local police forces in the South to deal vigorously with civil rights crimes. Negroes have not been alone in expressing disappointment in the Bureau's poor record in solving terror bombings and other racial crimes in the South. But the FBI has now shown what it can do, and the Georgia arrests ought to serve as a deterrent to other senseless crimes, and as a standard for future police work by the G-Men.

The Washington Post and Times Herald A-8
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 8/8/64

67 AUG 12 1964

NOT RECORDED
191 AUG 11 1964

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Hippets

PENVIC

Against His Companions

# Klansman May Turn State's Evidence

ATHENS, Ga., Aug. 8 (UPI) — An attorney indicated yesterday that one of four Ku Klux Klansmen charged with murder in the nightrider slaying of a Negro educator may turn state's evidence against his companions.

Attorney James E. Hudson represents three of the Klansmen. Asked by newsmen if he had any connection with the other defendant, James Lackey, 29, Mr. Hudson replied:

"Well, no, certainly not if he might testify against my clients."

ARRESTS

The FBI arrested Lackey; Joseph Howard Sims, 41; Cecil William Myers, 25; and Herbert Guest, 37; Thursday in connection with the shotgun slaying of Lt. Col. Lemuel Penn, 48, on July 11. Mr. Penn was shot from a passing car as he and two other Negro army reserve officers were driving to their Washington homes from summer training at Ft. Benning, Ga.

U. S. Commissioner Girard Hawkins said Lackey confessed to taking part in the shooting and implicated the other three men at a hearing before him Thursday night. The four were arraigned on Federal charges of conspiring to violate Mr. Penn's civil rights, which carries a maximum 10-year prison sentence.

CHARGES FILED

The State filed murder charges yesterday, and a preliminary hearing is expected next week. The men are being held without bond in the Clarke County jail.

The FBI said a garage operated by Guest was a frequent meeting place for the four men and other Klansmen. The garage operated as usual yesterday.

"I just don't believe they did it," said Charles Smith, 25, who has worked at the garage for about six weeks. "I sure wish they'd find the ones that did and let those boys go."

Asked if any of the employes of the garage were Klansmen, Mr. Smith replied, "Well, I am, but I don't know about the others."

The Washington Post and Times Herald
The Washington Daily News 2
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 8 8 64

NK-25873-

NOT RECORDED
191 AUG 11 1964

67 AUG 12 1964
720

# 4 Members of Klan Arrested in Georgia Slaying of Col. Penn

By Ramon Geremia
Staff Reporter

FBI Director J. Edgar Hoover announced last night that his agents arrested four men in Athens, Ga., in connection with the July 11 slaying of Washington Negro educator Lemuel A. Penn on a Georgia highway.

Hoover said the four, all of Athens, are all members of the Ku Klux Klan.

They are Joseph Howard Sims, 41, a machinist; Cecil William Myers, 25, employed as a yarn ticker and laborer; James S. Lackey, 28, employed at a gasoline station, and Herbert Guest, 37, operator of a garage.

Mr. Penn, 48, a lieutenant colonel in the U.S. Army Reserve was driving back from two weeks' reserve training at Fort Benning, Ga., with two other Washington men when he was shot from an overtaking car near Colbert,

*Pictures on Page A5.*

Ga. He was the head of adult and vocational education in the District of Columbia school system.

With Penn in the car were Maj. Charles E. Brown, 40, of 40 46th pl. ne., and Lt. Col. John D. Howard, 42, of 50 S st. nw. Neither was injured.

Mr. Penn was driving the auto when a shot from the passing car struck him in the neck. He died instantly.

**At Klan Headquarters**

Hoover said Sims was arrested at 199½ Prince st., Athens, headquarters of Clarke County Klavern No. 244 of the United Klans of America, Inc., Knights of the Ku Klux Klan.

The four were arraigned last night before U.S. Commissioner Girard W. Hawkins at Athens. Hawkins held them under $25,000 bond each. The FBI said the men failed to make bond and were locked up in Clarke County Jail.

Hawkins said Lackey had told of his part in the slaying and implicated the other three suspects, the Associated Press reported.

According to Hoover, Herbert Guest's garage in Athens "has been a frequent gathering place for Myers, Sims, Lackey and other members of the United Klans of America, Inc., Knights of the Ku Klux Klan."

Hoover said all four were charged in the FBI complaint with violation of a section of the U.S. Code in that "they did conspire with each other and with others unknown to injure, oppress, threaten and intimidate members of the Negro race, and in particular Lemuel A. Penn, Charles E. Brown and John D. Howard, citizens of the United States in the exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Pitt

44-25873-A
NOT RECORDED
191 AUG 17 1964

SENT DIRECTOR
8-7-64

AUG 7 19

States, namely, rights secured to them by Title 2 and Title 3 of the Civil Rights Act of 1964."

The FBI complaint stated that Lackey, Myers and Sims "did shoot and kill Lemuel Penn, but a murder charge will have to be lodged against them by local authorities."

Charges against these three carry a maximum penalty of $5000 fine and ten years in prison. All four were named in the conspiracy charge.

Deputy Sheriff H. L. Pulliam of Madison County, Ga., where the murder occurred, obtained State murder warrants against each of the suspects.

Pulliam obtained the warrants from Justice of the Peace H. C. Echols at Danielsville, Ga., based on the FBI complaint and information given by the Georgia Bureau of Investigation, according to the FBI.

This means, in effect, that the four will not be released on bond since under Georgia law there is no bond on a murder charge.

At the hearing before Hawkins, Sims and Myers joked with each other about the "good food" they would eat in the County Jail.

When Hawkins told Sims, "This probably is the first criminal case to be prosecuted under the Civil Rights Act," Sims replied, "Is that a fact?"

Georgia Gov. Carl Sanders congratulated the FBI, the Georgia Bureau of Investigation and other law enforcement officers involved. He said that if the four were responsible, "I want to extend my sympathy to their families —the same as I did to that of the murdered man—because it will be those families who will have to bear the burden of this nonsensical act."

Mr. Penn's widow, Georgia, informed by a reporter of the arrests, said, "I have prayed for the souls of the guilty ones." She said she felt that God would punish them regardless of whether arrests were made.

"People commit crimes like this because they are ignorant," she said. "They need education." Mrs. Penn said that since her husband's death, she had received "hundreds of beautiful letters."

"Only on Wednesday did I receive a nasty letter. It included five clippings of crimes committed by Negroes, and it used the word 'niggers.' It was postmarked Washington, D.C. But I've received many wonderful letters from all over the country, even the South.

"I don't feel that all people in the South are like my husband's murderers. They have fair and just people in the South, too. But I felt all along that my husband was killed by a Klansman."

Mrs. Penn lives at 1622 Upshur st. nw. with her three children, Lemuel Jr., 8; Sharon, 10, and Linda, 13.

FBI spokesmen said the four suspects had been under surveillance for some time before the arrest. "We knew where they were and it was just a matter of picking them up," he said.

Officials declined to elaborate on investigative details leading to the arrest or on how the killing was traced to the four, other than that there was "a tremendous amount of work, but nothing we can talk about on it. It will come out at the trial."

The FBI said the Georgia Bureau of Investigation had been most cooperative in the case.

The shotgun murder of Mr. Penn occurred about 23 miles northeast of Athens when a car pulled abreast of the Penn auto and fired two shotgun blasts.

After the killing, Lt. Col. Howard said, "We had food and soda pop with us, so that we'd not have to stop except for gas, and we had scheduled our gas stops only in the larger cities. All three of us knew what it is like, traveling in the South, but it simply never occurred to us to fear for our lives."

President Johnson ordered the FBI into the case immediately after the slaying, and Hoover said last night that yesterday's arrests in Athens "were the culmination of weeks of intensive work by FBI agents."

Hoover said that Guest and two other men were arrested by the Athens, Ga., Police Department June 21, 1964, "following a shooting incident in which gunshots were fired into a Negro residence.

"Guest subsequently was found guilty of disorderly conduct and sentenced to serve 100 days or pay a $105 fine." Guest paid the fine.

2

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Guest Lackey

Myers Sims

. . . suspects in slaying

The Washington Post and Times Herald A5
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

AUG 7 196

3

# 4 KKK Held in Penn Death

Four Klu Klux Klansmen were arrested by the FBI last night in Athens, Ga., and charged with the July 11 shotgun slaying of Washington Negro educator, Lemuel A. Penn, on a lonely Georgia road.

This was the first arrest to be made under the provisions of the 1964 Civil Rights Act.

The FBI stated taht one of the men, James S. Lackey, had confessed to the murder and had implicated the other three men — Joseph Howard Sims, 41, a machinist; Cecilw William Myers, 25, a laborer; and Herbert Guest, 37, garage operator.

The arrests were made between 6 and 7 p. m. Mr. Sims was picked up at the Athens Klen headquarters of the United Klans of America where a meeting had just ended.

Two of the other three had also attended the meeting and one was on his way there when he was taken into custody.

They were arraigned before the U. S. Commissioner Giraird W. Hawkins, who said the four men had been charged with violation of the 1964 Civil Rightsj act which prohibits conspiring to "injure, oppress, threaten and intimidate members of the Negro race."

These charges carry a maximum penalty of $5000 fine and 10 years in prison.

Deputy Sherrif H. L. Pulliam of Madison County, Ga., where the slaying occurred, served murder warrants against each of the suspects.

The chjrge of murder takes precedence over the charge of violating the U. S. Code.

The arrest ended an intensive investigation involving the FBI, the Georgia Bureau of Investigation and local police officials.

The FBI would give no details of how they tracked the men down or of what evidence they had except for the confession by Mr. Lackey.

Commissioner Hawkins stated that another hearing would be held next Thursday at which time the Government would present its case in detail and seek Grand Jury indictments.

HERBERT GUEST

JAMES LACKEY

CECIL MYERS

Mr. Penn, 48, head of the District's School Board's adult education program and a lieutenant colonel in the Army reserves, was returning from two weeks training at Ft. Benning, Ga., with two other Negro Washington educators when he was shot by a sniper in an overtaking car, later described as a "grey huk."

**PRAYER**

Mr. Penn's widow, Georgia, was informed of thearrest and said that she "prayed for the souls of the guilty ones.

"People commit crimes like this," she said, "because they are ignorant. They need education."

**BELIEF**

She said that she had believed all along that her husband had been killed by Klansman.

"I don't feel all the people in the South are like my husband's murderes," she said. "They have fair and just people in the South too."

According to the FBI, Mr. Guest's garage was a frequent meeting place for Myers, Sims, Lacey and other members of the United Klans of America, Inc., Knights of the Klu Klux Klan."

The FBI also said that Mr. Guest and two other men had been arrested by the Athens police on June 21, 1964 "following a shooting incident in which gunshots were fired into a Negro residence."

Guest was later found guilty of the charge and given a choice of 100 days in jail or a $105 fine. He paid the fine, the FBI said.

Georgia Gov. Carl Sanders congratulated the FBI and state police officials for their work in the investigation and the arrest. He said that if the men were responsible for the crime that they should pay the highest penalty.

During the arraignment which lasted abut 15 minutes, Commissioner Hawkins reported that the men remained silent and appeared undisturbed. He also said that ther was no noticable tension between Mr. Lackey and the other three suspects.

64 AUG 14 1964

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

140-2-[illegible]
NOT RECORDED
191 AUG 14 1964

Felt

The Washington Post and Times Herald
The Washington Daily News JP-2
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date 8/7/64

PENVIC

6 Hv

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# FBI Seizes Four in Penn Killing

## All Described As Members of Klan in Georgia

### D. C. Educator Slain July 11 On Highway

By JOHN BARRON
Star Staff Writer

The FBI has seized four Ku Klux Klansmen in Georgia in the slaying of Lemuel Penn, Washington Negro educator. Three were accused of killing Mr. Penn and the fourth of conspiring with them.

Federal agents burst into Klan headquarters in Athens, Ga., last night to capture one of the suspects. The other three were arrested simultaneously elsewhere in Athens.

Georgia sources indicated that one of the Klansmen may have confessed.

They also suggested that the FBI obtained evidence from others who actually saw Mr. Penn killed by shotgun blasts as he drove along a rural Georgia highway in the predawn hours of July 11.

United States Deputy Commissioner Jerry Hawkins, before whom the suspects were arraigned, reported that one admitted his involvement in the slaying.

**Racist Backgrounds**

He said that the defendant who talked also implicated the other three in the slaying of Mr. Penn, who died instantly when hit by the shotgun barrage fired from a passing car for no apparent reason.

All four of the accused have racist backgrounds and records of Klan activity, according to Washington sources.

FBI Director J. Edgar Hoover identified the suspects, all of whom are Athens residents, as:

NOT RECORDED
191 AUG 14 1964

The Washington Post
Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

AUG 7 1964

SENT DIRECTOR
8-7-64

File
6-

187 AUG 17 1964

Cecil William Myers, 25, a [illegible] and laborer; Joseph Howard Sims, 41, a machinist; James S. Lackey, 22, a gasoline station employe; and Herbert Guest, 37, who runs a small garage.

Guest, whose garage was described as a hangout for Klansmen, was convicted of disorderly conduct in June after gunshots were fired into a Negro home in the Athens area.

### Offer No Resistance

The FBI said that although all four men at times have gone about the streets carrying guns, none was armed or offered any resistance last night.

Sims was arrested at the "headquarters of Clarke County Klavern 244 of the United Klans of America, Inc., Knights of the Ku Klux Klan."

The FBI did not formally charge the three with murder. Rather, it charged them with violating the new civil rights act by "threatening, injuring, oppressing, intimidating and killing Negro citizens."

The FBI can file charges only under Federal statutes and murder charges will have to be lodged by Georgia authorities in accordance with State law.

The sheriff's office in Madison County already has obtained murder warrants and the three probably will be tried in a Georgia court first.

### Also Face U.S. Trial

However, they still could face trial in a Federal court on the civil rights charges.

After failing to post the $25,000 bonds under which they are being held, the Klansmen were taken to the Clarke County jail.

Twenty minutes after the White House learned of the slaying of Mr. Penn early on July 11, President Johnson ordered the FBI to concentrate as many men as could be useful in apprehending the killers.

When the FBI agents began the Georgia investigation, they had almost no clues and their chances of success seemed far from promising.

Mr. Penn, a 48-year-old Negro about to receive his doctorate degree, was assistant superintendent for adult vocational education in the District school system.

A lieutenant colonel in the Army Reserve, he and two other District teachers, Charles E. Brown and John D. Howard, were driving back to Washington after completing two weeks of training duty at Fort Benning, Ga.

None had engaged in any civil rights activity in Georgia. They purposely had loaded their car with food and soft drinks so they would have to stop only for gasoline.

### Cemplie List

On July 11, the FBI knew only that on the highway some 11 miles from Athens, a car had sped up alongside the reservists, there had been a barrage of shotgun pellets, and the car had vanished.

The agents began their hunt for the slayers by compiling a list of everyone in the Athens area suspected of having tried to harass or intimidate Negroes.

After hundreds of interviews, the evidence began to point at a gang of Ku Klux Klansmen who regularly loitered around the Guest garage.

During repeated interrogations by the FBI, discrepancies developed in the alibis of some on the Klansmen and their stories began to change.

Confronted by the contradictions during the voluntary interviews, one of the Klansmen became so disturbed that he could barely speak and the agents postponed further questioning until he could compose himself.

### Evidence Amassed

Leads from these interrogations enabled the FBI to amass so much more evidence that the investigators finally concluded that they knew what had happened in tearly darkness of July 11.

The investigators now believe theat while driving aimlessly around Athens, the suspects happened to see the three Washington men and decided to try to kill them just because they were Negroes.

The FBI in Washington refused to comment upon Commissioner Hawkins' report that Lackey had admitted his complicity in the slaying and implicated Guest, Sims and Myers.

It also declined to say whether anyone has confessed.

But it indicated that it has great confidence in the legal case that has been prepared for the Justice Department and Georgia authorities.

### Lauds Georgia Role

The FBI also expressed appreciation of the complete cooperation it said it had received from Georgia Gov. Carl Sanders.

and the Georgia Bureau of Investigation.

The day of the slaying, Gov. Sanders pledged that Georgia would do anything it could to assist in the investigation. He declared:

"If we want to see our State destroyed, our citizens demoralized and the very foundation of our Nation undermined, we have only to let this type of individual (the murders) assume greater prominence and eventually take over and this will be the end of America. I am ashamed for myself and for the responsible citizens of Georgia thatthis occurrence took place in our State."

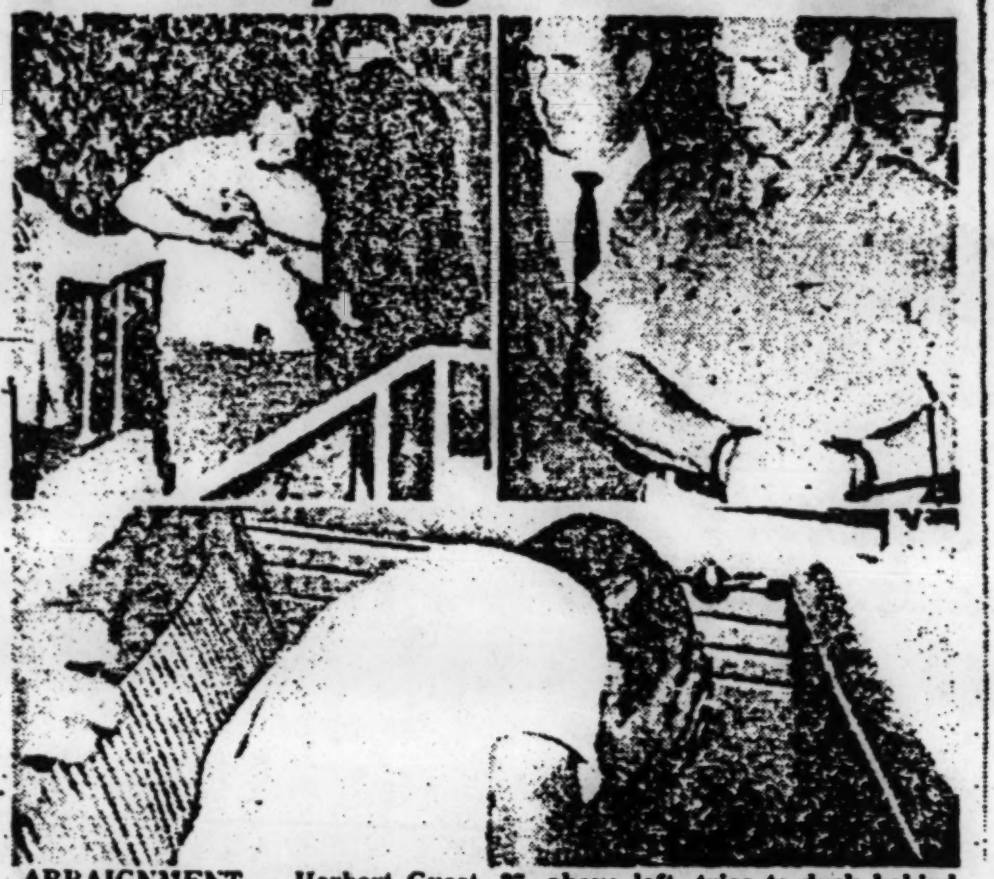
The same day, the Ku Klux Klan denied that any of its members had anything to do with the killing.

Last night, Calvin Craig, grand dragon of the Klan in Georgia, said he did not know whether the four men arrested were members of the organization.

The Associated Press quoted him as saying: "Their names don't ring a bell. The Klan has so doggone many people nowadays, I just don't know."

Four members of the Ku Klux Klan—Cecil William Myers, Herbert Guest, Joseph Howard Sims and James S. Lackey (left to right)—were arrested by FBI agents in Athens, Ga., in connection with the slaying last month of Lemuel A. Penn, head of the District's adult and vocational education program, as he was driving through Georgia.—AP Wirephotos.

# 4 Klansmen Charged in Slaying of Penn



ARRAIGNMENT — Herbert Guest, 37, above left, tries to duck behind an FBI agent while leaving an arraignment last night before a U. S. Commissioner in Athens, Ga., where he and Joseph Sims, 41, above right, and two other men were arrested and charged with the murder of Washington educator Lemuel Penn. Below, James S. Lackey, 29, another suspect, hides his face. The FBI said that Lackey had confessed to the shotgun slaying and that he had implicated the other three men. The fourth man, not shown here, was identified as Cecil William Myers, 25, a laborer.

—UPI Photos

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

(Provic)

NOT RECORDED
181 AUG 11 1964

The Washington Post and Times Herald 1
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

67 AUG 12 1964

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

CECIL W. MYERS HERBERT GUEST JOSEPH H. SIMS JAMES S. LACKEY

These are the four men arrested by FBI agents in Athens, Ga., in connection with the slaying last month of Lemuel A. Penn, head of the District's adult and vocational education program, as he was driving through Georgia on his way home from Fort Benning. — AP Wirephotos.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 1-3-66

# Georgia Acts On FBI Data In Penn Killing

## Suspects Seized By Agents in Death Of D. C. Educator

By JOHN BARRON and PAUL HOPE
Star Staff Writers

Four Athens, Ga., men identified by the FBI as Ku Klux Klansmen were charged with murder today in the slaying of Lemuel A. Penn, 48-year-old Washington Negro educator.

Murder charges were filed by authorities in Madison County, Ga., where the shooting occurred July 11.

The four suspects, all white, also have been charged by Federal authorities with violation of the new Civil Rights Act by "threatening, injuring, oppressing, intimidating and killing Negro citizens."

Federal agents burst into Klan headquarters in Athens last night to capture one of the suspects. The other three were arrested simultaneously elsewhere in Athens.

Georgia sources indicated that one of the Klansmen may have confessed.

They also suggested that the FBI obtained evidence from others who actually saw Mr. Penn killed by shotgun blasts as he drove along a rural Georgia highway in the predawn hours of July 11.

United States Deputy Commissioner Jerry Hawkins, before whom the suspects were arraigned, reported that one admitted his involvement in the slaying.

### Racist Backgrounds

He said that the defendant who talked also implicated the other three in the slaying of Mr. Penn, who died instantly when hit by the shotgun barrage fired from a passing car for no apparent reason.

All four of the accused have racist backgrounds and records of Klan activity, according to Washington sources.

FBI Director J. Edgar Hoover identified the suspects, all of whom are Athens residents, as:

Cecil William Myers, 25, a yarn picker and laborer; Joseph Howard Sims, 41, a ma-

See GEORGIA, Page A-8

chinist; James S. Lackey, 22, a gasoline station employe, and Herbert Guest, 37, who runs a small garage.

Guest, whose garage was described as a hangout for Klansmen, was convicted of disorderly conduct in June after gunshots were fired into a Negro home in the Athens area.

### Murder Warrants Issued

Clarke County Sheriff H. T. Huff, in whose jail the men are being held, said "felony charges" were first filed against the suspects by Madison County authorities, but that later murder warrants were issued.

The felony warrants, which covers crimes from larceny to murder, apprently were filed temporarily to detain the suspects in case they had been able to make the $25,000 bail set on the Federal charges.

Murder suspects ordinarily are not eligible for bail, authorities in Athens said. An FBI spokesman in Athens said hearings for the men probably will not be held until next week.

The FBI said that although all four men at times have gone about the streets carrying guns, none was armed or offered any resistance last night.

Sims was arrested at the "headquarters of Clarke County Klavern 244 of the United Klans of America, Inc., Knights of the Ku Klux Klan."

In accusing all the men of violating the civil rights act through a conspiracy, the FBI complaint further charged:

"It was the plan and purpose of said conspiracy that the defendants would be threatening, injuring, oppressing, intimidating and killing Negro citizens from elsewhere than Athens, Ga. . . . prevent such citizens from exercising the rights secured to them by the aforementioned act.

"That in furtherance of said unlawful conspiracy, and to effect the object thereof, the defendants James S. Lackey, Cecil William Myers and Joseph Howard Sims did shoot and kill Lemuel Penn."

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A1
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 8-7-64

After failing to post the $25,000 bonds under which they are being held, the Klansmen were taken to the Clarke County jail.

At the arraignment last night, Commissioner Hawkins said to the defendants, "This probably is the first criminal case to be prosecuted under the Civil Rights Act."

Seemingly impressed, Sims replied, "Is that a fact?"

Reporters heard Myers and Sims joking at the jail about the "good food" they would be served there.

Twenty minutes after the White House learned of the slaying of Mr. Penn early on July 11, President Johnson ordered the FBI to concentrate as many men as could be useful in apprehending the killers.

When the FBI agents began the Georgia investigation, they had almost no clues and their chances of success seemed far from promising.

Mr. Penn, 48, and about to receive his doctorate degree, was assistant superintendent for adult vocational education in the District school system.

A lieutenant colonel in the Army Reserve, he and two other District teachers, Charles E. Brown and John D. Howard, were driving back to Washington after completing two weeks of training duty at Fort Benning, Ga.

None had engaged in any civil rights activity in Georgia. They purposely had loaded their car with food and soft drinks so they would have to stop only for gasoline.

On July 11, the FBI knew only that on the highway some 11 miles from Athens, a car had sped up alongside the reservists, there had been a barrage of shotgun pellets, and the car had vanished.

The agents began their hunt for the slayers by compiling a list of everyone in the Athens area suspected of having tried to harass or intimidate Negroes.

After hundreds of interviews, the evidence began to point at a gang of Ku Klux Klansmen who regularly loitered around the Guest garage.

During repeated interrogations by the FBI, discrepancies developed in the alibis of some on the Klansmen and their stories began to change.

### Evidence Amassed

Confronted by the contradictions during the voluntary interviews, one of the Klansmen became so disturbed that he could barely speak and the agents postponed further questioning until he could compose himself.

Leads from these interrogations enabled the FBI to amass so much more evidence that the investigators finally concluded that they knew what had happened in the early darkness of July 11.

The investigators now believe theat while driving aimlessly around Athens, the suspects happened to see the three Washington men and decided to try to kill them just because they were Negroes.

The FBI in Washington refused to comment upon Commissioner Hawkins' report that Lackey had admitted his complicity in the slaying and implicated Guest, Sims and Myers.

It also declined to say whether anyone has confessed.

But it indicated that it has great confidence in the legal case that has been prepared for the Justice Department and Georgia authorities.

### Lauds Georgia Role

The FBI also expressed appreciation of the complete cooperation it said it had received from Georgia Gov. Carl Sanders and the Georgia Bureau of Investigation.

The day of the slaying, Gov. Sanders pledged that Georgia would do anything it could to assist in the investigation. He declared:

"If we want to see our State destroyed, our citizens demoralized and the very foundation of our Nation undermined, we have only to let this type of individual (the murderers) assume greater prominence and eventually take over and this will be the end of America. I am ashamed for myself and for the responsible citizens of Georgia that this occurrence took place in our State."

The same day, the Ku Klux Klan denied that any of its members had anything to do with the killing.

Last night, Calvin Craig, grand dragon of the Klan in Georgia, said he did not know whether the four men arrested were members of the organization.

The Associated Press quoted him as saying: "Their names don't ring a bell. The Klan has so doggone many people nowadays, I just don't know."

4

# Mrs. Penn 'Not Surprised' By Arrests of 4 Klansmen

The widow of slain Lt. Col. Lemuel A. Penn said today she was "Not surprised" at the arrest of four Georgia Ku Klux Klan members in the case. "I thought it was associated with Klansmen," she said.

Mrs. Penn said she had discussed the murder with friends about three weeks ago, and that when Charles E. Brown, jr., who was one of those with her husband, told her he didn't receive much help from local police, "I felt that the majority of local policemen were working with Klansmen. They are working with each other."

Mrs. Penn said she had never been sure that the slayers would be caught, but said she had thought that in any event, "eventually their consciences would whip them and they would probably commit suicide."

Neither Mr. Brown nor John D. Howard, both District school teachers and fellow reserve officers who made the trip to Fort Benning with Col. Penn, could be reached for comment on the arrests.

### Arrests Called Heartening

The executive secretary of the District branch of the National Association for the Advancement of Colored People, Edward Hailes, called the arrests "heartening. I hope it is possible to get them convicted, if they are guilty," he said, "and bring this case to a successful conclusion."

LEMUEL A. PENN

Mr. Hailes said that "it appears the FBI means business in trying to apprehend persons accused of atrocious crimes aginst the Negro.

"The apprehension is a hopeful sign in that it indicates the FBI is trying to do the job it has been charged with doing through the years."

The civil rights leader said that "because this proves it (the Klan) believes in violence, I think it should be outlawed."

### Trial to Bring Test

But, he added, "the big test comes in bringing these people to trial. They must go before a just and impartial judge who will decide their fate on the facts in the case.

"The apprehension of these four men and the finding of the bodies of the three civil rights workers allegedly murdered in Mississippi are hopeful signs that persons who murder Negroes just because they attempt to exercise their constitutional rights no longer can get away with it. The FBI is to be commended. . . ."

The apprehension was also applauded by Julius Hobson, ousted Washington CORE leader who now heads the more militant ACT group.

"I think the Georgia authorities and the FBI have certainly done a wonderful job," he said.

### Speed Applauded

"It would be wonderful for the whole country if all these cases could be wrapped up like this." The arrests "indicate a willingness on the part of State authorities, too, to get to the

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

44-2071-4

NOT RECORDED
191 AUG 11 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date AUG 7 1964

67 AUG 12 1964

SENT DIRECTOR

bottom of these things. It was speedy and that's what we need," Mr. Hobson said.

In Athens, the Rev. William J. Hudson, local NAACP leader, said no one was in line for the $500 reward offered by his organization for the arrest and conviction of the killers."

"A local radio station matched our reward offer, so there was $1,000 there for information," he said, "but as far as I'm concerned the FBI solved it alone."

Mr. Hudson said he supplied Federal agents with the names of two of those arrested as soon as the FBI began its investigathon. He said the two were key figures in "a pattern of violence against Negroes" by Klansmen in the Athens area.

6-18 (Rev. 5-27-63)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# 4 Klansmen Held in Penn Death

## FBI Arrests Georgians in Shotgun Slaying

### Murder Charges Filed by State in Killing of D. C. Man

By JOHN BARRON
and PAUL HOPE
Star Staff Writers

Four Athens, Ga., men identified by the FBI as Ku Klux Klansmen were charged with murder today in the slaying of Lemuel A. Penn, 48-year-old Washington Negro educator.

Murder charges were filed by authorities in Madison County, Ga., where the shooting occurred July 11.

The four suspects, all white, also have been charged by Federal authorities with violation of the new Civil Rights Act by "threatening, injuring, oppressing, intimidating and killing Negro citizens."

The Washington Post and Times Herald
The Washington Daily News
The Evening Star FINAL
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date AUG 7 1964

NOT RECORDED
191 AUG 11 1964

87 AUG 12 1964

Federal agents burst into Klan headquarters in Athens last night to capture one of the suspects. The other three were arrested simultaneously elsewhere in Athens.

Georgia sources indicated that one of the Klansmen may have confessed.

They also suggested that the FBI obtained evidence from others who actually saw Mr. Penn killed by shotgun blasts as he drove along a rural Georgia highway in the predawn hours of July 11.

United States Deputy Commissioner Jerry Hawkins, before whom the suspects were arraigned, reported that one admitted his involvement in the slaying.

### Racist Backgrounds

He said that the defendant who talked also implicated the other three in the slaying of Mr. Penn, who died instantly when hit by the shotgun barrage fired from a passing car for no apparent reason.

All four of the accused have racist backgrounds and records of Klan activity, according to Washington sources.

FBI Director J. Edgar Hoover identified the suspects, all of whom are Athens residents, as:

Cecil William Myers, 25, a yarn picker and laborer; Joseph Howard Sims, 41, a machinist; James S. Lackey, 28, a gasoline station employe, and Herbert Guest, 37, who runs a small garage.

Guest, whose garage was described as a hangout for Klansmen, was convicted of disorderly conduct in June after gunshots were fired into a Negro home in the Athens area.

### Murder Warrants Issued

Clarke County Sheriff H. T. Huff, in whose jail the men are being held, said "felony charges" were first filed against the suspects by Madison County authorities, but that later murder warrants were issued.

The felony warrants, which covers crimes from larceny to murder, apprently were filed temporarily to detain the suspects in case they had been able to make the $25,000 bail set on the Federal charges.

Murder suspects ordinarily are not eligible for bail, authorities in Athens said. An FBI spokesman in Athens said hearings for the men probably will not be held until next week.

The FBI said that although all four men at times have gone about the streets carrying guns, none was armed or offered any resistance last night.

Sims was arrested at the

"headquarters of Clarke County Klavern 244 of the United Klans of America, Inc., Knights of the Ku Klux Klan."

In accusing all the men of violating the civil rights act through a conspiracy, the FBI complaint further charged:

"It was the plan and purpose of said conspiracy that the defendants would be threatening, injuring, oppressing, intimidating and killing Negro citizens from elsewhere than Athens, Ga. . . . prevent such citizens from exercising the rights secured to them by the aforementioned act.

"That in furtherance of said unlawful conspiracy, and to effect the object thereof, the defendants James S. Lackey, Cecil William Myers and Joseph Howard Sims did shoot and kill Lemuel Penn."

After failing to post the $25,000 bonds under which they are being held, the Klansmen were taken to the Clarke County jail.

At the arraignment last night, Commissioner Hawkins said to the defendants, "This probably is the first criminal case to be prosecuted under the Civil Rights Act."

Seemingly impressed, Sims replied, "Is that a fact?"

Reporters heard Myer and Sims joking at the jail about the "good food" they would be served there.

Twenty minutes after the White House learned of the slaying of Mr. Penn early on July 11, President Johnson ordered the FBI to concentrate as many men as could be useful in apprehending the killers.

When the FBI agents began the Georgia investigation, they had almost no clues and their chances of success seemed far from promising.

Mr. Penn, 48, and about to receive his doctorate degree, was assistant superintendent for adult vocational education in the District school system.

A lieutenant colonel in the Army Reserve, he and two other District teachers, Charles E. Brown and John D. Howard, were driving back to Washington after completing two weeks of training duty at Fort Benning, Ga.

None had engaged in any civil rights activity in Georgia. They purposely had loaded their car with food and soft drinks so they would have to stop only for gasoline.

On July 11, the FBI knew only that on the highway some 11 miles from Athens, a car had sped up alongside the reservists, there had been a barrage of shotgun pellets, and the car had vanished.

The agents began their hunt for the slayers by compiling a list of everyone in the Athens area suspected of having tried to harass or intimidate Negroes.

After hundreds of interviews, the evidence began to point at a gang of Ku Klux Klansmen who regularly loitered around the Guest garage.

During repeated interrogations by the FBI, discrepancies developed in the alibis of some on the Klansmen and their stories began to change.

### Evidence Amassed

Confronted by the contradictions during the voluntary interviews, one of the Klansmen became so disturbed that he could barely speak and the agents postponed further questioning until he could compose himself.

Leads from these interrogations enabled the FBI to amass so much more evidence that the investigators finally concluded that they knew what had happened in tearly darkness of July 11.

The investigators now believe theat while driving aimlessly around Athens, the suspects happened to see the three Washington men and decided to try to kill them just because they were Negroes.

The FBI in Washington refused to comment upon Commissioner Hawkins' report that Lackey had admitted his complicity in the slaying and implicated Guest, Sims and Myers.

It also declined to say whether anyone has confessed.

But it indicated that it has great confidence in the legal case that has been prepared for the Justice Department and Georgia authorities.

### Lauds Georgia Role

The FBI also expressed appreciation of the complete cooperation it said it had received from Georgia Gov. Carl Sanders and the Georgia Bureau of Investigation.

The day of the slaying, Gov. Sanders pledged that Georgia would do anything it could to assist in the investigation. He declared:

"If we want to see our State destroyed, our citizens demoralized and the very foundation of our Nation undermined, we have only to let this type of individual (the murders) assume greater prominence and eventually take over and this will be the end of America. I am ashamed for myself and for the responsible citizens of Georgia thatthis occurrence took place in our State."

The same day, the Ku Klux Klan denied that any of its members had anything to do with the killing.

Last night, Calvin Craig, grand dragon of the Klan in Georgia, said he did not know whether the four men arrested were members of the organization.

The Associated Press quoted him as saying: "Their names don't ring a bell. The Klan has so doggone many people nowadays, I just don't know."

CECIL W. MYERS HERBERT GUEST JOSEPH H. SIMS JAMES S. LACKEY

These are the four men arrested by FBI agents in Athens, Ga., in connection with the slaying last month of Lemuel A. Penn, head of the District's adult and vocational education program, as he was driving through Georgia on his way home from Fort Benning. — AP Wirephotos.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# FBI Arrests Klansmen in Ga. Slaying

*By United Press International*

WASHINGTON.

FBI Director J. Edgar Hoover announced yesterday that his agents have arrested four men in Athens, Ga., on charges of slaying Lemuel A. Penn, a Washington, D. C., reserve officer, on a Georgia highway July 11.

Mr. Penn, a Negro, was alieutenant colonel in the U. S. Army Reserve and an educator. He was shot to death by four white men who drove past his car on the highway.

Mr. Hoover identified the four men arrested as members of the Ku Klux Klan.

They are Cecil William Myers, 25; Joseph Howard Sims, 41; James S. Lackey, 28, and Herbert Guest, 37, all of Athens.

## THE PLOT

Mr. Hoover said all four were charged with conspiring to injure a Negro in the free exercise and enjoyment of rights and privileges secured to the race by the new Civil Rights Act.

He said the accused also conspired to injure, oppress, threaten and intimidate Charles E. Brown and John D. Howard, Negroes who were traveling with Mr. Penn.

Mr. Hoover said Myers, Sims, Lackey and Guest planned to intimidate Negroes living in Athens by killing Mr. Penn, Mr. Brown and Mr. Howard.

He said the four met in Guest's garage to plan the murder and used the garage as a meeting place for the United Klans of America Inc., Knights of the Ku Klux Klan.

## SHOTGUN BLAST

Mr. Penn, 48, was killed by a shotgun blast July 11 while he, Mr. Howard and Mr. Brown, all officers of the Army Reserve, were en route to their homes in Washington.

Mr. Penn was director of adult and vocational education in the Washington schools. Mr. Howard and Mr. Brown are teachers in Washington.

All three were returning to Washington from Ft. Benning, Ga., after a two-week tour of active duty. Mr. Penn, who was driving, was struck by one of two shotgun blasts fired at their car. He was struck on the left side of his neck and died instantly.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

44-25423

NOT RECORDED
19 AUG 11 1964

AUG 7 1964

67 AUG 12 1964

Belmont ✓
Mohr
Casper
Callahan
Conrad
DeLoach ✓
Evans
Gale
Rosen ✓
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Say 4 in Klan Killed Educator

By NORMAND POIRIER

Four members of the Ku Klux Klan accused by the FBI of slaying a prominent Negro educator on a rural Georgia road were in jail today, but speculation mounted that they might never be tried for murder.

The four men were arrested by FBI agents and accused of violating the victim's rights under the new Civil Rights Act — a charge which carries a 10-year prison term. There is no federal law against murder unless it takes place on U. S. property.

Georgia Solicitor General Clete Johnson said "the state most certainly will prosecute the murder charge vigorously if the evidence is there."

But the chances of a Georgia grand jury indicitng four white men for the murder of a Negro seemed remote. Conviction by a trial jury would bea rare event.

State officials said they would confer with FBI men today to determine whether they had sufficient evidence for murder warrants.

**U. S. Charge Provides Fine**

The federal charge carries a maximum $5,000 fine besides the jail term. A first-degree murder charge in Georgia can carry the death penalty.

Lemuel Penn, a Washington, D. C., educator, was shot to death while driving along a fog-bound road near Athens, Ga., on his way home from a training

(Ponvic)

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

67 AUG 12 1964

NY-25873-A

NOT RECORDED
191 AUG 11 1964

duty tour at Fort Benning. Two shotgun blasts were fired from a vehicle that pulled alongside his.

Held in jail under $25,000 bonds were James S. Lackey, a 28-year-old gas station attendant; Herbert Guest, 37, a garage owner; Cecil William Myers, 25, a yarn plucker, and Joseph Howard Sims, 41, a machinist, all of Athens.

U. S. Commissioner Girard Hawkins said Lackey confessed the murder and implicated the other three.

The four suspects were relaxed during their arraignment. Sims and Myers poked about the "good food" they'd get in Clarke County Jail. And when Commissioner Hawkins remarked that this was probably the first criminal case to be prosecuted under the Civil Rights Act, Sims replied:

"Is that a fact?"

As the four were led from the courtroom, one of the men lunged at a TV cameraman, nearly knocking him over a guardrail. And a few minutes later, a man tentatively identified as Sims' brother walked up to the photographer and punched him in the jaw. Police restrained the assailant.

FBI Director Hoover announced the arrests in Washington, climaxing an intensive three-week hunt for the slayers.

The FBI complaint said three of the men, Lackey, Myers and Sims, "did shoot and kill" Penn. All four were charged with conspiring to "injure, oppress, threaten and intimidate" Penn and his companions, Charles E. Brown and John D. Howard, also Reserve officers.

Hoover said Sims was arrested at the Athens headquarters of the Clarke County Klavern, No. 244, of the United Klans of America Inc., Knights of the Ku Klux Klan.

**An Earlier Shooting**

Hoover said Guest's garage has been a frequent gathering place for members of the Klan. He said Guest and two other men were arrested June 21, 1964, in a shooting incident when gun shots were fired into a Negro residence in Athens.

Subsequently, Guest was found guilty of disorderly conduct and sentenced to serve 100 days or pay $150 fine. He paid the fine.

The FBI complaint said that prior to the actual killing, "it was the plan and purpose of said conspiracy that the defendants would be threatening, injuring, oppressing, intimidating and killing Negro citizens from elsewhere than Athens, Ga. They would prevent such citizens from exercising the right secured to them by the aforementioned Act."

Associated Press Wirephoto

CECIL MEYERS

*Held in slaying.*

Associated Press Wirephoto

JAMES S. LACKEY

*Admits complicity.*

HERBERT GUEST

*Under Arrest*

: Associated Press Photo

Joseph Howard Sims, 41, in custody in Athens, Ga.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Shooting Incidents Hit Mixed Neighborhood

ATLANTA, July 20 (AP).—Two shooting incidents involving Negroes and white persons struck the same neighborhood within hours of each other over the week end.

The neighborhood—where Negro and white residential sections meet—had these incidents Saturday night:

A White family told police that four Negroes in a passing car fired a shotgun blast at them, wounding two members of the family.

Police said the white owner of an integrated restaurant shot another white man who was trying to eject Negroes from the establishment.

The shotgun blast of the Wylie Keith family evoked memories of the slaying last week of Lemuel Penn, a Negro educator from Washington, D. C., as he was driving through rural Northeast Georgia.

As in the Penn case, still unsolved, Gov. Carl E. Sanders of Georgia instructed agents of the Georgia Bureau of Investigation to aid local police in their investigation of the shotgun incident.

"When I say we are going to maintain law and order, I mean this; and it applies to all citizens—white or Negro," he added.

In the second incident, police said Maurice Dawson, 22, was in satisfactory condition at a hospital recovering from a stomach wound inflicted by a pistol.

Police arrested a white resturant owner, Redell Crosby, and charged him with shooting another. Mr. Crosby was released on $1,000 bond yesterday.

Atlanta Police Detective Tony Quave said Mr. Lawson and some other white men entered Mr. Crosby's restaurant, went over to two Negroes eating and told them they would have to leave. One of the white men, Detective Quave said, punched one of the Negroes in the nose.

Mr. Crosby pulled a pistol and ordered the white men to leave, but Mr. Lawson remained and threatened Mr. Crosby with a beer bottle, the detective said.

Mr. Crosby started shooting and one of five shots struck Mr. Lawson in the stomach.

Detective Quave said Mr. Lawson would be charged with assault and battery. Four other whites involved also have been charged with assault and battery, he said.

RECORDED
19 JUL 22 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Sheriff in Penn Probe Denies 1-Suspect Story

Madison County (Ga.) Sheriff Dewey Seagraves said today several persons are being investigated in connection with the slaying of Lemuel A. Penn, but denied an Associated Press report that attention has focused on any one man.

The report said Sheriff Seagraves was "aware" of the investigation of a North Georgia white man once convicted in connection with a shooting involving Negroes.

It cited published accounts that the man is "preoccupied" with Negroes, and quoted the Atlanta Constitution as saying the man and his associates have been questioned.

Sheriff Seagraves denied knowing of any such individual and told The Star he was being misquoted in connection with the investigation.

Mr. Penn, 48, a prominent District educator, was shot from a passing car and killed on Route 172 near Colbert, Ga., a week ago today.

A lieutenant colonel in the Army Reserve, he was returning from two weeks' training at Fort Benning, Ga., with two other Negro Reserve officers from Washington.

Sheriff Seagraves said that several persons have been under scrutiny since the shooting, but indicated the investigation was bogging down.

"We're still going at it," he said, "but we're not gettin' any evidence."

The sheriff said earlier a night-duty policeman in Colbert told him he saw a white 1959 or 1960 automobile trial the car operated by Mr. Penn through Colbert a short time before the shooting.

He said the policeman identified the car as a Buick, but was unable to say whether it was a sedan, convertible or station wagon and failed to note the license tags.

Sheriff Seagrves said he has received no corroboration of the report from any other witnesses, and that no one has reported seeing a similar car elsewhere in the area.

44-24072-A

NOT RECORDED
191 JUL 22 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A-2
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date 7/18

66 JUL 23 1964

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# Police Say Penn Buckshot Isn't Local

The Sheriff of Madison County, Ga., where Washington school official Lemuel A. Penn was shot dead Saturday, said last night that two types of buckshot fired at Penn's car were both unusual to northeast Georgia.

Sheriff Dewey Seagraves said he did not know where No. 1 shot, which struck Penn, and Single O shot, which hit the car window, could be bought in that part of Georgia. He said this led him to believe the killer or killers came from out of the area.

Meanwhile, the newspaper, The Atlanta Constitution, reported that eGorgia and local officials had a significant lead" in the case but did not elaborate.

The FBI, with an investigative team on the scene, declined to comment on any aspect of the case. The predawn shooting occurred near Colbert, Ga., as Penn and two friends drove homeward from Army Reserve training.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 17 1964

NOT RECORDED
191 JUL 24 1964

6 4 JUL 27 1964

# Penn's Auto Was Trailed, Officer Says

A night-duty policeman in Colbert, Ga., says he saw a 1959 or 1960 white Buick follow the car operated by Lemuel A. Penn through the town early last Saturday.

Mr. Penn, 48, an Army Reserve lieutenant colonel and a prominent District educator, was shot from a passing car and killed a few miles beyond the town on Route 172 a short time later.

Madison County Sheriff Dewey Seagraves said today the policeman told him he saw the Buick trail the Penn car at a distance of 300 to 400 yards.

Sheriff Seagraves quoted the witness as saying he thought the occupants of the second car were Negroes, but that he could not be sure.

Spokesmen for the Federal and Georgia Bureaus of Investigation declined to comment on the report.

Sheriff Seagraves also disclosed that laboratory tests indicated the ammunition used in the slaying is not commonly sold in the rural northeast Georgia area.

"All I've ever seen around here is double-ought shot," he said. "The labs say No. 1 shot was used in the shooting."

Asked if that indicated to him that the killers were not from the Madison County area, he said:

"I never thought they were. There's a possibility that somebody here could have (done it), but I never thought they did. We just don't have people around here who'd be up and around at that time of day."

Mr. Penn, who was returning from two weeks' training at Fort Benning, Ga., with two other Negro Reserve officers when he was killed, was buried Tuesday at Arlington Cemetery with military honors.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

another Stabler-mouth!

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

REC 55
ST-119
JUL 21 1964
JUL 17 1964

# In South: New Violence; Educator Buried

By James W. Sullivan
Of The Herald Tribune Staff

Two 17-year-old Georgia white youths reported that their auto was fired on by a passing carload of Negroes yesterday in the county where a Negro educator was killed Saturday.

The latest flare-up of the racial violence plaguing the South took place as 1,500 persons attended a funeral service in Washington for Lemuel Augustus Penn, victim of the shooting Saturday.

Sheriff Dewey Seagraves, of Madison County, Ga., said he doubted that the two shootings were related.

"I wish this foolishness would," he added.

The youths, Walton Hill and James Crawford, said they were driving on U. S. 29, about 19 miles northwest of Colbert in northeast Georgia, when they met a station wagon containing four Negroes.

As the cars passed, they said, a hand came out of the other car's window, they heard a shot and their windshield was cracked.

The youths believed a rifle had been fired, but Sheriff Seagraves said it probably was a pistol.

## CHURCH SAVED

In other incidents in the South, North Carolina police prevented the burning of a Negro church and arrested two men; investigators in Louisiana and Mississippi, searching for three missing civil rights workers, used fishing seines in a part of the Mississippi River where parts found, and Negroes in Tuscaloosa, Ala., called off a three-month boycott of white merchants.

Mr. Penn, a Lieutenant Colonel in the Army Reserve who was shot to death Saturday near Colbert as he drove two friends back from Army Reserve training at Fort Benning, Ga., was buried yesterday in Arlington National Cemetery with full military honors.

J. Lee White, President Johnson's assistant counsel who specializes in civil rights, and Maj. Gen. Ted Clifton, the Preident's military aide, attended the services.

At Asbury Methodist Church, the Rev. Stanford J. Harris called Col. Penn "a casualty of our battle against bigotry" and urged mourners not "to weep for Lemuel Penn. Weep for the person who stooped to the cowardly level to commit this crime."

## WARNING SHOTS

State Highway Patrolmen guarding a Negro church at Elm City, N. C., watched two men pour gasoline on it, then frightened them off with warning shots as they struck a match. Later, the troopers arrested Ronnie E. Howell and Kenneth W. Owens, of Rocky Mount, N. C., and charged them with conspiracy to commit a felony.

The troopers had been guarding the First Presbyterian Church since an integrated group told of plans to paint it and the local Ku Klux Klan warned it did not want an integrated effort. The church has only eight regular members.

Near Tallulah, La., conservation officers accompanied by Federal Bureau of Investigation agents continued to dray the portion of the Mississippi River where the lower halves of two bodies were found this week.

Investigators still would not positively identify the two bodies, but indicated they were Charles E. Moore, 19, a student missing from Alcorn A. & M. College at Port Gibson, Miss., and Henry Dee, of Meadville, a friend of Moore. Both are Negroes.

The investigators were increasingly sure that the bodies were not those of the civil rights workers, Michael Schwerner and Andrew Goodman, of New York, and James Chaney, of Meridian, Miss., missing from Philadelphia, Miss., since June 23.

Discovery and tentative identification of the two bodies brought angry criticism of FBI Director J. Edgar Hoover from Charles Evers, Mississippi field director for the National Association for

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

MCT-17

JUL 22 1964

Washington Post and
James Herald
Washington Daily News
Evening Star
York Herald Tribune 2
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 15 1964

Herald Tribune—UPI telephoto

THE CAREFULLY FOLDED FLAG which covered the coffin of Reserve Col. Lemuel A. Penn is presented to his widow after ceremony yesterday at Arlington Cemetery. The slain Negro leader's children, Linda and Sharon, are next to their mother.

he Advancement of Colored People.

Mr. Evers, brother of slain NAACP leader Medgar Evers, said Mr. Hoover's statement that "lawlessness in the South is no worse than lawlessness in the North" encourages "the lunatics who would deliberately destroy human life or property."

He urged the FBI to pay "more attention . . . to the facts of Mississippi history, particularly as it relates to the Mississippi Negro."

In Tuscaloosa, a Negro civil rights group called the Citizens for Action Committee, ended its boycott "as a gesture of good will and good faith in our community," but reserved some conditions.

The Rev. T. Y. Rogers, president of HCAC, said merchants should not expect Negroes to "let you call us Sally and John."

"We want some title. ke

Downtown business has been reduced about 50 per cent during the boycott, partly due to the Ku Klux Klan.

The Klan, whose national headquarters are in Tuscaloosa, had staged a counter-boycott against merchants who served Negroes without discrimination.

"We're caught somewhere between a rock and a hard place," one merchant complained.

The Klan also had slashed tires, sprayed a stinging gas on Negroes and prevented them from entering white esatblishments. The TCAC said it was lifting the boycott to "relieve this crisis atmosphere."

"The good white merchants downtown need us," Mr. Rogers said. "We are going to exercise our buying power to keep them on the map."

Two incidents of violence against Negroes were reported in the North.

In North Kingstown, R.I., a shotgun blast was fired into a Negro home, narrowly missing Eugene Potter, 10, who was making a sandwich in the kitchen. Her mother, Mrs. Edward Potter, said the family has been the target of verbal abuse for more than a year.

In Lynn, Ind., a busload of Negroes and whites returning to Pittsburgh from a summer camp in Colorado, was insulted at a restaurant and then was pursued across the Ohio State line by several carload sof rock-throwing whites.

Indiana State Police said the pursuers were "hooligans" who might have attacked anyone and the violence had no racial aspect.

(2)

UNKNOWN SUBJECT;
LT. COL. LEMUEL A. PENN
DECEASED ET AL. - VICTIMS
CIVIL RIGHTS

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans

# Penn Buried With Military Honors

By Dorothy Gilliam
Staff Reporter

In solemn ceremony and with full military honors, Lemuel A. Penn, the Negro educator who was shot to death Saturday on a Georgia highway, was buried in Arlington National Cemetery yesterday afternoon.

An estimated 1800 persons gathered earlier at a mid-town church, overflowing onto the sidewalks, for the noon funeral of Penn, director of vocational and adult education for District Schools.

In Georgia, meanwhile, Federal and state officials extended their search for his killers, as reports were made of a new shooting incident in the area, this time involving two white youths who said Negroes fired into their car. Neither was hurt.

Later, however, United Press International quoted Madison County Sheriff Dewey Seagraves as saying the white youths were "mistaken." United Press International said his investigation revealed some object—definitely not a bullet — had cracked the windshield of the car in which Walton Hill and James Crawford, both 17, were riding.

"They are good boys," Seagraves commented. "They were just scared."

Penn was shotgunned to death in the pre-dawn darkness near Colbert in northeast Georgia as he was driving to Washington from Ft. Benning where he had been in summer training. He was a lieutenant colonel in the Army Reserve.

At Asbury Methodist Church, 11th and K sts. nw., Penn's body lay before a flower-banked altar. He was eulogized by District School Superintendent Carl F. Hansen, who said his staff "feels like a ship that has been rammed. Penn's death has left a gaping hole in our organization."

Representing the White House was Lee White, Presidential Assistant, and Maj. Gen. C. V. Clifton, the President's Military Aide.

The Rev. Stanford J. Harris, pastor of Jones Memorial Methodist Church, which Penn attended, told his racially mixed audience to "weep not for Lemuel A. Penn, who stood tall among men of character and ability" but for the men who "senselessly" killed him.

Col. Eliot P. Y. Powell, commanding officer of the 222d Maneuver Control Command Hq., at Ft. Meade, praised Penn as a fine soldier. Olaf Slostad of the Boy Scouts said Penn "made scouting better because he traveled our way." Penn held the Silver Beaver award for his Scout work.

Georgia Penn, the widow, attended the service with her three children, Linda, 13, Sharon, 10, and Lemuel Jr., 5, and Ruth Penn, the slain man's mother.

Following the service, a motorcade of several dozen vehicles proceeded to the Cemetery where the steel gray casket was transferred from the hearse to a caisson.

Six gray horses pulled the caisson bearing the casket covered with an American flag, to the grave site, located about 1000 feet from the Tomb of the Unknowns.

The caisson was followed by an Army band, an honor platoon and a color guard marching to muffled drums.

The Rev. Mr. Harris led the estimated 500 persons at the graveside in the Lord's Prayer and pronounced a brief eulogy.

Three volleys were fired by a seven-man Army Squad. Lemuel Jr. jumped in fright and clutched his mother.

The flag covering the casket was folded and presented to the widow. She accepted it silently and returned to her car.

Two Catholic priests knelt and prayed.

By Ellsworth Davis, Staff Photographer

The rifle salute resounded in Arlington Cemetery for Lemuel A. Penn, slain in Georgia last Saturday. His son, 5-year-old Lemuel Jr., huddled closer to his mother. Members of an honor guard held the Stars and Stripes over the casket. It was the family's final farewell yesterday to the Negro educator who was shotgunned to death as he was returning to Washington from Army Reserve summer training.

64 JUL 21 1964

101 JUL 20 1964

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SPI-16
(SHOOTING)

ATHENS, GA.--THE SEARCH FOR NIGHT-RIDERS WHO KILLED LT. COL. LEMUEL PENN AND REPORTEDLY HAVE ATTACKED AT LEAST TWO OTHER NEGRO MOTORISTS ENTERED ITS FOURTH DAY TODAY WITH THE FBI MAINTAINING RIGID SILENCE ON PROGRESS OF THE INVESTIGATION.

THE REPORT OF A THIRD ATTACK ON A NEGRO MOTORIST ALONG NORTH GEORGIA ROADS CAME YESTERDAY FROM POLICE AT ROYSTON, A SMALL TOWN ABOUT 20 MILES FROM WHERE FATAL SHOTGUN BLASTS WERE FIRED INTO A CAR OCCUPIED BY PENN AND TWO OTHER NEGRO RESERVE ARMY OFFICERS IN THE PRE-DAWN DARKNESS SATURDAY.

POLICEMAN RAY PHILLIPS SAID HE RECEIVED A REPORT JUNE 2 FROM A "NEGRO TOURIST" THAT TIRES ON HIS AUTOMOBILE HAD BEEN SHOT OUT.

PHILLIPS SAID THE SHOOTING OCCURRED ON HIGHWAY 29 JUST SOUTH OF ROYSTON. HE SAID HE REPORTED THE INCIDENT TO THE GEORGIA HIGHWAY PATROL AT THE TIME AND DISCUSSED IT YESTERDAY WITH FBI AGENTS. THE FBI DID NOT COMMENT ON ANY CONNECTION WITH THE PENN INVESTIGATION.

PENN AND HIS COMPANIONS HAD BEEN TRAVELING ALONG HIGHWAY 29 ON THE NIGHT ASSAILANTS TRAILED THEM AND THEN FIRED THROUGH THE WINDOW OF THEIR CAR AS THEY SPED PAST.

THE FATAL SHOTS WERE FIRED, HOWEVER, AFTER PENN HAS TURNED OFF 29 ONTO A SHORT-CUT ROUTE OVER SECONDARY ROADS.

SCORES OF FBI AGENTS, ORDERED INTO THE CASE BY PRESIDENT JOHNSON AND HEADED BY ASSISTANT FBI DIRECTOR J.J. CASPER, CONTINUED QUESTIONING PEOPLE TODAY, BUT REFUSED TO GIVE ANY INFORMATION ON PROGRESS OF THE PROBE.

PENN, A RESERVE OFFICER WHO FOUGHT IN THE SOUTH PACIFIC DURING WORLD WAR II AND WAS A SCHOOL ADMINISTRATOR IN WASHINGTON, D.C., WAS TO BE BURIED TODAY IN ARLINGTON NATIONAL CEMETERY.

GOV. CARL SANDERS, WHO ORDERED HIS TOP STATE INVESTIGATORS INTO THE CASE, SENT A TELEGRAM TO PENN'S WIDOW YESTERDAY EXTENDING SYMPATHY "ON BEHALF OF THE PEOPLE OF GEORGIA."

7/14--DP923AED

NOT RECORDED
191 JUL 22 1964

56 JUL 23 1964

WASHINGTON CAPITAL NEWS SERVICE

8-38 (Rev. 11-15-62)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UPI-123
(SNIPERS)

COLBERT, GA.--TWO WHITE YOUTHS REPORTED THEY WERE FIRED ON BY A NEGRO MOTORIST TODAY IN THE AREA WHERE A WASHINGTON, D.C. EDUCATOR WAS KILLED SATURDAY BY A SPEEDING ASSASSIN.

NEITHER OF THE YOUTHS, WALTON HILL AND JAMES CRAWFORD, BOTH 17, WAS INJURED.

THE SHOOTING OCCURRED SHORTLY BEFORE NOON ABOUT 24 MILES NORTH OF THIS NORTH GEORGIA TOWN. COL LEMUEL A. PENN, 48, DIRECTOR OF ADULT EDUCATION FOR WASHINGTON SCHOOLS AND A LIEUTENANT COLONEL IN THE ARMY RESERVE, WAS SHOT TO DEATH BY AN ASSAILANT IN A SPEEDING CAR AS HE AND TWO OTHER NEGRO OFFICERS WERE TRAVELING ALONG A RURAL ROAD ABOUT 14 MILES NORTH OF HERE.

THERE HAVE BEEN AT LEAST TWO OTHER REPORTS OF NEGRO TRAVELERS BEING FIRED ON IN THE AREA, BUT TODAY'S INCIDENT WAS THE FIRST IN WHICH A WHITE CLAIMED TO HAVE BEEN THE TARGET OF GUNMEN.

7/14--TD417PED

NOT RECORDED
191 JUL 22 1964

56 JUL 23 1964

WASHINGTON CAPITAL NEWS SERVICE

# Penn Slaying Seen Part of Pattern Of Intimidation

By Bart Barnes
Staff Reporter

ATHENS, Ga., July 13—Police and Federal investigators continued their search today for clues to the identity of the killers of Lemuel A. Penn as it became increasingly apparent that the slaying was not an isolated incident.

The night before Penn was murdered, officials said, three shotgun blasts had ripped into a car carrying a Negro family from Florida to South Carolina. No one was injured in that shooting, which occurred just outside Athens.

Three weeks ago, night riders fired a shotgun into a home in a Negro housing development here. A 19-year-old boy lost the sight of one eye. Two white men were later arrested in that incident and are out on bail awaiting trial.

**Other Shootings**

The shotgun blasting of another house and a Negro laundry also have been reported here during the past several months. No one was injured in either of these shootings, however.

Penn, one of the top five Negro officials in the District Public School System and a lieutenant colonel in the Army Reserve, was killed early Saturday near Colbert, Ga., by a shotgun fired from a passing car. He was returning to Washington after summer training at Ft. Benning, Ga.

There appeared to be little doubt that the scores of FBI agents who have taken charge of the case were working on the assumption that Penn, 48-year-old combat veteran of World War II, was the victim of a wanton killer with a hatred of Negroes.

The FBI agents teamed with local authorities and agents of the Georgia Bureau of Investigation to question residents of the sparsely populated rural areas along Rtes. 72 and 172.

but neither were they denied service. Before passage of the bill they had picketed a local restaurant to gain admittance, and had been counterpicketed by the Ku Klux Klan.

**4 Negro Policemen**

Athens has accepted token desegregation in the schools and there are four Negroes on the police force.

Rural areas around here are still staunchly segregated and most of the rural Negroes are unorganized. A key goal in the NAACP's campaign to fight intimidation will be to organize the rural Negroes, Georgia's Field Secretary Leon Cox said.

Such areas have been largely unaffected by the civil rights movement. Mr. Hudson said they are "the same as in Reconstruction days."

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

NOT RECORDED
191 JUL 22 1964

The Washington Post and Times Herald A-3
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 14 1964

56 JUL 23 1964

**No Comment on Probe**

The investigators, who have taken over the top floor of the white marble courthouse that graces a main street in this small college city, refused comment on the investigation.

But it was learned that several persons connected with extremist racial organizations in the Athens area were questioned.

The Rev. William J. Hudson, president of the Athens NAACP, said today he thinks the incidents are part of an attempt to keep Negroes from seeking rights guaranteed in the Civil Rights Act. He called it "a pattern of intimidation."

Both men charged in connection with the shotgun blasting at the Negro housing development have been seen at rallies of the Ku Klux Klan here, Mr. Hudson said. He added that the shots probably had been meant for the NAACP's Youth President, who was staying only a few doors away.

Although active in varying degrees throughout northeastern Georgia, the Klan professes to deplore violence. Grand Dragon Calvin F. Craig of Atlanta denounced Penn's murder at a rally Saturday near here.

In Athens itself, segregation barriers fell reluctantly with passage of the rights bill. Hotels, motels, restaurants and swimming pools were desegregated without incident.

Negroes were not welcomed,

(Mount Clipping in Space Below)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# Investigators Stumped In Slaying

By BILL SHIPP
Constitution State News Editor

ATHENS, Ga.—Law enforcement officials apparently were stumped Sunday in the ambush shotgun killing of a prominent Washington Negro educator about 14 miles northeast of here before dawn Saturday.

Twenty additional agents of the Federal Bureau of Investigation Sunday afternoon joined dozens of FBI and Georgia Bureau of Investigation agents already on the scene.

J. J. Casper, assistant director of the FBI, headed the team of investigators. "I am not in any position to make any comment about this," Casper, a former agent in charge of the Atlanta FBI office, said.

**BODY RETURNED**

The body of Lemuel A. Penn, 48, supervisor of Washington's five vocational high schools, was returned to Washington Sunday. Penn, en route from Ft. Benning with two other Negro reserve Army officers, was shot to death by a gunman who opened fire from an automobile on state Route 172 about 5:30 a.m. Saturday. Penn was killed instantly.

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Constitution
Atlanta, Georgia

Date: 7/13/64
Edition: Morning
Author: Bill Shipp
Editor: Eugene Patterson
Title: UNSUBS: LT. COL. LEMUEL A. PENN, DECEASED, U.S. ARMY SN 0348661
Character: or VICTIM
Classification: RM
Submitting Office: ATLANTA

[X] Being Investigated

File
6-M

44-[illegible]

56 AUG 4 1964

His death marked the third shotgun attack carried out against Negroes in the Athens area since June 21.

Two young Negroes were wounded by shotgun fire as they sat in an Athens apartment June 21. The shotgun was fired from a passing automobile. Three white men were arrested in connection with that shooting. Two were bound over to Clarke County Superior Court on charges of assault with intent to murder. Their bond was set at $2,500 each.

A third white man was fined $100 on a disorderly conduct charge in connection with the shooting.

EARLIER SHOOTING

A Negro insurance man, Clarence Ellington, 50, of Ft. Pierce, Fla., reported that he was fired upon by a gunman from an automobile. Ellington said the shooting occurred just northeast of Athens at the intersection of U.S. 29 and State route 72 about 1:30 a.m. Friday—just 28 hours before Penn was slain some 18 miles away.

Ellington said the motorist fired at him three times. His automobile was splattered with shot. Ellington drove on to his destination in Abbeville, S.C., before reporting the shooting.

FBI agents refused to say anything at all about the killing of Penn and even went so far as to order Sheriff Dewey Seagraves of Madison County (where Penn was killed) not to make any statements. Seagraves and his deputy H. L. Pulliam indicated, however, that both the FBI and the GBI were baffled by the case.

It was understood that the agents had thrown out a "fish net" all the way to Hartwell, Ga., some 40 miles northeast of here. They spent all day Sunday questioning people along the route that Penn and his companions were taking.

These events leading up to the shooting have been pieced together:

Penn, riding in a 1959 Chevrolet with Washington, D.C., license plates, at 12:15 a.m. Saturday left Ft. Benning near Columbus. In the car with Penn was Charles E. Brown, owner of the auto, and John D. Howard, both of Washington, D.C. All three, reserve Army officers, had been in summer training at Ft. Benning.

They headed north and stopped in Atlanta to buy gasoline. They stopped again near a monument in downtown Athens to change drivers. It was theorized that the sniper could have picked up their trail in this area.

Howard had been driving, but he moved over to be right front seat and Penn took the wheel. About 30 minutes later, their car was on Route 172, a sparsely traveled hard-topped road, 14 miles north of Colbert, a town of about 425 persons.

Brown and Howard told officers that as their car approached a bridge over Broad River, another auto which apparently had been following them, pulled alongside out of the fog and someone in it opened fire. The first shot hit Penn in the left jaw killing him instantly. The second blast

passed through the back window right in front of Howard. The car ran into the side of the bridge and stopped.

At this point one of the others moved the dead man from behind the wheel and then they started the car back toward Athens. They said the assailants' car also turned around and began following them. At the intersection of State Routes 72 and 172 the victim's car ran into a ditch and the killer's car disappeared.

Officers took plaster casts of tire tracks where they believed the assailant's car turned around near the shooting. The officers also took casts of footprints there.

Howard reported the shooting to the FBI in Atlanta and to Third Army authorities after he was able to get help when his car ran into the ditch and he was able to contact local officers.

Army criminal investigation division agents joined the FBI in the hunt for the killer. The officers established headquarters in the Athens Post Office and declared the entire third floor "out of bounds" to everyone else.

Extra FBI agents arrived on the scene shortly after noon Sunday.

The Athens Chapter of the National Association for Advancement of Colored People posted a $500 reward Sunday for information leading to the conviction of Penn's killer.

Leon Cox Jr., Georgia field secretary for NAACP, and Bobby Hill, leader of NAACP youth work in the Southeast set up a headquarters in Athens Sunday night.

The NAACP leaders led a mass meeting at a Negro church. Cox told the meeting:

"We will not be intimidated just because a man has been shot." Cox announced that the NAACP will attempt to organize chapters in the smaller communities of northeast Georgia and he urged Negroes to register to vote in large numbers.

"We are greatly concerned because one of you can be assassinated as you ride along the highway just as Col. Penn was," Cox said. He urged Negroes to vote for a president "who shows concern for black men who travel the highways."

Hill told the meeting of about 100 Negroes that "now that a civil rights law has been passed "hate is going to try to uphold segregation. . . . We're going to have to fight now to have this intimidation stopped."

In addition to the killing of Penn, Hill told the Negro gathering of incidents of racial disorder in several other cities Sunday in Georgia, Florida and North Carolina.

The meeting was held at Ebcnezer Baptist Church. The Negroes sang "We Shall Overcome" in the emotion-filled meeting.

(Mount Clipping in Space Below)

# Investigators Push Search In Shotgun Slaying Incident

BY JOE ZELLNER

COLBERT, Ga., July 13.— (AP) —FBI agents and Georgia state investigators continued today to push an intensive investigation into the mysterious shotgun slaying of a Washingon, D. C., Negro educator.

J. J. Casper, assistant director of the FBI would say only that the investigation is continuing. "I'm in no position to make any comment," he said.

State investigators fanned out along the route taken though Northeast Georgia by Lemuel Penn, 49, director of Washington's vocational high schools, when he was shot early Saturday by a night-riding gunman.

Residents along the rural route said GBI agents moved from house to house in their questioning Sunday, but Public Safety Director Lowell Conner said there were no arrests and that he had nothing to report.

Penn, a lieutenant colonel in the Army Reserve, was killed by a shotgun blast fired from a car which suddenly passed his automobile from the rear about 10 northeast of Colbert. Two other Negro officers riding with Penn escaped injury.

The three men had completed a refresher course at Ft. Benning before beginning their ill-fated trip back to Washington. The only investigator talking was Madison County Sheriff Dewey Seagraves, who said he was getting nowhere.

"They are not either," Seagraves said, referring to the FBI.

Asked if he had been aided by information from FBI agents, he said "They're a little shy with it. To them it's a deep secret."

Several residents, spurred by a report that Penn was carrying a large amount of money, theorized that it was a robbery attempt by someone who had followed the men from Ft. Benning.

But the sheriff disagreed. He said Penn had only $39 and a government check for $543 in his wallet.

"There are some who will make and sell liquor and a few who will steal," he said, "but I don't know anyone who would do this . . . if there is I sure would like to get shed of him."

Seagraves said there had been no racial incidents in the county that he knew of and that as far as he knew, Negroes had not tried to integrate any business establishments in the county since passage of the civil rights bill. "There was no reason for racial hate," he said.

Seagraves said the other two officers, Maj. Charles E. Brown and Lt. Col. John D. Howard, both of Washington, could tell him nothing to give him a lead.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Pg. 1

Athens Banner-Herald
Athens, Georgia

Date: July 13, 1964
Edition: Home Edition
Author: Joe Zellner
Editor: Eric Braswell
Title: PENVIC

Character: RM
or
Classification:
Submitting Office: Atlanta

☒ Being Investigated

AT 157-788

44-25873-A

NOT RECORDED
191 AUG 3 1964

3 Co

56 AUG 4 1964

File 6-417

AT 157-788

"It was dark and there was a heavy fog," he said. "You couldn't see much."

The sheriff said his own investigation probably had been hampered by the involvement of the FBI.

Many times, a person would give him information as long as he agreed to keep the name secret, he said. "Now anyone who knows anything won't say so," he added, "because they would be afraid the FBI would put them on the stand."

One Colbert resident, Wyatt Benton, who runs a supermarket, summed up his beliefs with the statement: "If it had been an integration thing they wouldn't have gotten just one of them-they would have gotten all three."

Authorities also were investigating a report by a Negro insurance agent, Clarence Ellington, of Fort Pierce, Fla., who said three of four shotgun blasts were fired at his car about 1:30 a. m. Friday as he was driving with his family in the same area.

Conner said authorities were checking out the report to see if that incident might be connected with the Penn death, but, he said, the report from Ellington, who was in Abbeyville, S. C., had not been verified.

Funeral services for Penn are scheduled for Tuesday at 12 noon (EDT) in Washington.

# Georgia Leader Denies Klan Role in Slaying

By CHARLES D. PIERCE
Star Staff Writer

ATHENS, Ga., July 13.—The head of the Georgia Klu Klux Klan said yesterday that the shooting of Lemuel Penn, District school official, was "regrettable" and "a black eye for his State."

Calvin F. Craig, the klan's Grand Dragon for Georgia, was contacted at his Atlanta home after reports reached here that the klan held a rally about 15 miles west of Athens on Saturday, the day Mr. Penn was killed.

The official said his organization did not advocate violence and that he does not believe any klan member was responsible for the death of Mr. Penn.

Mr. Craig said that he was the main speaker at the meeting in the Athens area and that he told a crowd of some 600 persons that "all people should have the right to go through our State unharmed."

Mr. Penn was shot by a sniper early Saturday morning about 15 miles northeast of here as he was returning to Washington from Army Reserve summer training at Fort Benning, Ga.

Mr. Craig said that "the people around Athens are fine folks."

"We had a real nice klan rally on the outskirts of Athens last month but since it was raining only about 800 people attended. We're going to hold another meeting outside Athens early next month."

Mr. Craig said that the klan holds rallies "to enlighten the people and keep our membership growing."

"We light up a cross and then explain to the people why we favor keeping the races pure.

"It's going to take more than passing a law to make us accept Negroes."

The Rev. William J. Hudson, president of the Athens chapter of the National Association for the Advancement of Colored People, confirmed that the klan is "strong around Athens."

However, he said, the klan does not hold meetings inside this city which is the seat of the University of Georgia.

Asked why not, he replied, "Let's just say it wouldn't be healthy for them."

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

NOT RECORDED
191 JUL 20 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

74 JUL 22 1964

# Scores Pay Respects at Home Of Slain District School Official

By George Eagle
Staff Reporter

Scores of persons came and went at 1622 Upshur st. nw. yesterday, yet the air of the house remained hushed.

The visitors were friends and relatives of Lemuel Augustus Penn, Washington education official who was shot dead in Georgia Saturday as he drove homeward from summer training with the Army Reserve.

For most of the day cars lined the tree-shaded block as friends came to the two-story, brick and frame house in an integrated neighborhood of comfortable homes. Among the visitors were D. C. School Superintendent Carl F. Hansen, Assistant Superintendent Harold A. Clark, and Fred Z. Hetzel, District director of the U.S. Employment Service.

Mr. Penn's wife, Georgia, a teacher at Paul Junior High School, was "still too stunned to talk much," a friend said. The three Penn children, two girls 13 and 10, and 5-year-old Lemuel Jr., were cared for by neighbors. They had been told of their father's death.

No one at the house could explain the shooting. Mr. Penn, called Lem by some friends and Penn by others, had been in the South numerous times and had no known enemies there a close associate said. "This guy didn't go around looking for trouble," he said.

Penn's body was flown to Dulles Airport by the Army last night and then transported to McGuire Funeral Service at 1820 9th st. nw.

Mr. Penn, holder of bachelor's and master's degrees from Howard University, began his career as a teacher of automotive shop and later was promoted to principal of Veterans High School, then became principal of Phelps Vocational High School. Two years ago he was appointed director of adult and vocational education for D.C. schools.

Friends remembered him as a man of high intelligence who seemed to have a flair for the administrative side of education. He was known as an exacting but fair boss. "He was one of the few persons I've known who could get things done completely through democratic processes, without having to resort to being autocratic," one associate recalled.

Mr. Penn was a veteran of Pacific combat in World War II. He was awarded the Bronze Star Medal. For his work in the Boy Scouts, he won the Silver Beaver Award, and he was national secretary of the National Association of Secondary School Principals.

A devoted family man, Mr. Penn was trying to get home a day early to have a weekend with his family when he was shot.

Friends plan a Lemuel A.,

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

C C 25872
NOT RECORDED
191 JUL 20 1964

A-3

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

64 JUL 21 1964

TOP CLIPPING
FILED AND INITIALED

JUL 13 1964

Penn Memorial Fund to aid deserving vocational school students. Contributions to the Fund may be sent to Harold A. Clark, assistant superintendent of schools in charge of adult education.

The body will be on view from 5 p.m. to 10:30 p.m. today and from 9 a.m. to 11 a.m. Tuesday at Lanier Memorial Methodist Church, 44th st. and Benning rd. ne.

Funeral services will begin at noon Tuesday at Asbury Methodist Church, 11th and K sts nw. Burial will be in Arlington Cemetery at 2 p.m.

The family asked that in lieu of flowers contributions be made to the Memorial Fund.

United Press International

Charles E. Brown, at left, and John D. Howard point out the place near Colbert, Ga., where an assassin in a speeding car killed their companion, Lemuel A. Penn. Georgia Bureau of Investigation agent M. S. Callaway, center, and FBI agent Dallas Mobley, at right, are among a score of investigators ordered to the scene.

Interior of car in which Lemuel A. Penn was slain.

By Tom Kelley, Staff Photographer

Friends and relatives pay respects at Penn home.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

# FBI Seeks to Link Earlier Shooting To Slaying of Penn

H-1

By Bart Barnes
Staff Reporter

ATHENS, Ga., July 12—A task force of FBI agents set up a control center in the Post Office building here today and fanned out over a 40-mile radius of rural northeast Georgia in a massive search for the shotgun slayer of Negro educator Lemuel A. Penn of Washington.

Acting under orders from President Johnson, the FBI moved immediately to seize the initiative in the probe from local authorities. Assistant FBI Director J. J. Casper, arrived last night to direct the investigation.

The 48-year-old Penn, director of adult and vocational education in Washington public schools, died of shotgun wounds yesterday after his auto was fired at in the predawn fog on State Rte. 172, about 12 miles from nearby Colbert in the red-clay farmland of Georgia.

Penn, a lieutenant colonel in the Army Reserve, was returning from two weeks' summer training at Fort Benning, Ga.

With him in the car were Maj. Charles F. Brown, 44, and Lieutenant Colonel John P. Howard, 42. Neither Brown nor Howard was hit by the two shotgun blasts fired into the car.

Investigators today sought to establish a link between the gunning of Penn yesterday morning and a similar incident about 27 hours earlier

25873

NOT RECORDED
191 JUL 20 1964

The Washington Post and Times Herald 1
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 13 1964

TOP CLIPPING
SEARCHED FILE AND INITIALED

64 JUL 21 1964

in which a car occupied by a Negro family was blasted by buckshot three times at Rtes. 72 and 29, just outside Athens.

No one was injured in the earlier shooting, which took place on the same route traveled by Penn and about 12 miles from the spot where the Washingtonian was slain. Penn had been on Rtes. 72-29, then switched to Rte. 172.

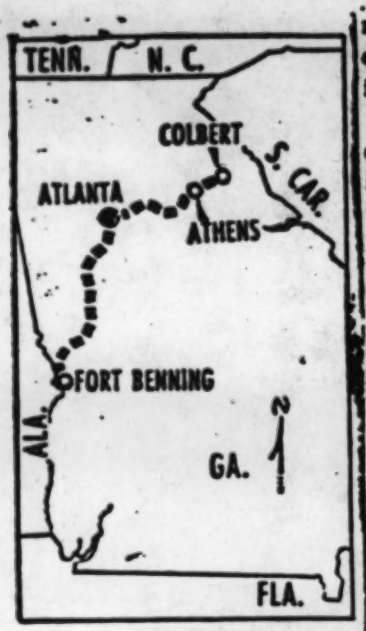
**Office Manager**

The target of the earlier shooting was Clarence Ellington, 48, a Negro insurance office manager from Fort Pierce, Fla. He was en route to Abbeville, S.C., and was driving through Athens when another vehicle fell in behind his, he told FBI investigators. His wife and two sons were in the car with him.

Ellington said that when he reached the junction of Rtes. 29 and 72, the other car pulled alongside and someone fired a shotgun three times into his auto. He did not report the shooting until he arrived in Abbeville. He was questioned by the FBI last night and early today.

Federal authorities would not discuss the Ellington incident today, saying only that "We are investigating a lot of things, an awful lot."

They refused comment on progress of the investigation, even to the point where for




The Washington Post

Dotted line shows route taken by Lemuel A. Penn and companions.

many local police officials events surrounding the slaying remained a mystery.

Police Chief Dewey Carithers of Colbert disclosed an ironic sidelight to the tragedy today. He said one of his men, Billy R. Smith, had reported seeing the Penn car speed by on Rte. 72 only minutes before the killing. Smith said he contemplated stopping the car for speeding but decided to let it continue.

Moments later, the shotgun pellets took Penn's life at a point where Rte. 72 crosses Broad River.

Carithers added that there have been three incidents during the past 10 months on the same road in which Negroes riding in cars bearing out-of-state plates had forced cars with white passengers off the road.

He speculated that the shooting Saturday could have been some type of retaliation by local whites.

Carithers, as did most local officials, expressed shock and chagrin over the slaying. "The whole community is pretty upset about it," he said. "We get along well with our 'Nigras' here. We don't want any trouble."

Dr. Larry Howard of the Georgia State Crime Laboratory, performed the autopsy last night. He said Penn's body was "full of buckshot."

Investigators spent hours this weekend going over the route followed by Penn and Ellington and questioning the survivors closely about all they had observed.

Ellington told police the car behind him seemed to be trailing him and suddenly speeded up, passing him. As it passed, three shotgun blasts were fired into his car. Ellington kept on going to Abbeville.

His father-in-law, Grady Price, said Ellington couldn't identify the gunman. "He was too scared," explained Price. Mrs. Ellington told police she thought the other car was a black car.

Colbert turned peaceful again today, but many of the residents in the small town of about 700 population showed their concern over the shooting.

Chief Carithers said there had never been any racial trouble in the farm area. "If there's a Ku Klux Klan member here," he said. "I don't know it."

The Negro community of Athens reacted to the murder with a call for renewed vigor in the civil rights field.

Field secretary Leon Cox of Georgia's NAACP told a rally here tonight that the murder should not intimidate Negroes seeking to implement the Civil Rights Law.

He said the NAACP would retaliate with voter registration drives and with recruiting campaigns, particularly in rural bastians of segregation.

Cox said he did not have any assurance that there was a racial motive for Penn's slaying, but added that NAACP leaders would try to meet with local authorities throughout the state to ensure the safety of Negroes driving on state highways.

Bobbie Hill, NAACP youth organizer for five Southern states, told the rally that in many parts of the South "hate is replacing law" as an enforcer of segregation.

Hill also said he had no evidence that the Penn murder was caused by racial antagonism. He did say he knew of such incidents in other areas of the South.

Hill declared that NAACP volunteers would set up classes throughout Georgia to instruct Negroes concerning their rights under the new Civil Rights Act.

The Athens NAACP is offering a $500 reward for information leading to the arrest of Penn's killers.

# NAACP Sees Klan Pattern In Penn Death

## Other Shootings In Georgia Area Noted by Leader

By CHARLES D. PIERCE
Star Staff Writer

ATHENS, Ga., July 13.—The president of the NAACP branch here said today the slaying of Lemuel A. Penn, a Washington Negro educator, is probably "part of a pattern of violence against Negroes" sparked by the Ku Klux Klan.

The NAACP leader, the Rev. William J. Hudson, said that two white men were arrested in Athens a month ago for firing a shotgun into a public housing project here, wounding two Negro youngsters.

He said the men were arrested by Athens police and have been bound over for the grand jury on a charge of firing into an occupied dwelling.

This shooting incident and the arrests were confirmed by Athens Police Chief E. E. Hardy.

**Youth May Lose Eye**

The Rev. Hudson said that one of the Negro youths may lose an eye.

He said "we believe that this attack was made in an attempt to get the president of the NAACP youth council who was staying two doors away from the apartment fired into."

"We don't have access to the Klan records, but these men have been seen at Klan rallies around here," he added.

The Rev. Hudson said that "when the killers of Mr. Penn are arrested I believe it will be just one link in the chain of an organized attempt by the Klan to intimidate us."

He also said the home of a Negro family just outside Athens was fired into by some white men about two months ago, but no one was hurt.

About the same time, shots were fired by white men into a Negro laundry in Athens. No one was hurt, he said.

The NAACP leader said that shortly before passage of the civil rights bill his organization picketed a sandwich shop in Athens and the Klan set up a picket line to counter the action.

Eugene Stewart, one of the top FBI officials here investigating the slaying of Mr. Penn, declined to comment on whether there was reason to link the Klan to Mr. Penn's death.

**Second Car Fired On Earlier**

The investigators were pushing today to determine whether a link exists between the Penn murder and shots fired at a Negro insurance man's car early Friday on the same lonely rural road where Mr. Penn was slain 11 miles northeast of here.

The insurance agent, Clarence Ellington, 48, of Fort Pierce, Fla., said he had just turned off Route 29 to Route 72, not far from Colbert, Ga., about 1:30 a.m. EST when "three or four shots" were fired from a passing car.

Mr. Ellington said his wife

Belmont ✓
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

NOT RECORDED
191 JUL 22 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star A-1 FINAL
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

56 JUL 23 1964

JUL 13 1964

and two sons, who were in the car with him, were not injured but their car was pocked by 20 to 25 pellets.

"The car apparently had trailed us . . . because it turned off Highway 72 behind us and then passed us—firing back," Mr. Ellington told the Associated Press.

He described the other car as "appearing black with a white or silver streak, maybe two-tone." Mr. Ellington drove to Abbeville, S. C., where he reported the incident.

Colbert Police Chief Dewey Carithers suggested that the shooting of Mr. Penn might have been some kind of retaliation by local white persons.

Chief Carithers said there have been three incidents in the past 10 months on the same highway in which Negroes riding in cars with out-of-State license plates have forced cars with white passengers off the road.

### FBI Has No Comment

J. J. Casper, assistant director of the FBI, said only that the investigation was continuing. "I'm in no position to make any comment," he added.

Residents along the rura route 172, northeast of Colbert where the slaying occurred were questioned yesterday by Georgia Bureau of Investigation agents.

Public Safety Director Lowell Conner said there were no arrests and that he had nothing to report.

Mr. Penn, 48, who was supervisor of Washington's five vocational high schools and a lieutenant colonel in the Army Reserve, was returning from two weeks of active duty training at Fort Benning, Ga., when he was killed.

His companions, Charles E. Brown, 44, a Reserve major and instructor in military subjects at Bell Vocational High School and John D. Howard, 42, a teacher at Drew Elementary School and a reserve lieutenant colonel, escaped unhurt.

Mr. Brown told the Star he grabbed the wheel to control the car as Mr. Penn fell across him and managed to bring the car to a stop. Mr. Brown then turned around and sped back toward the city community of Colbert, 14 miles away.

In their haste and seeing another car following them, they missed the intersection of Route 172 and Route 72 and hit some railroad tracks, blowing out a front tire.

Another car stopped shortly afterward, saw Mr. Brown covered with blood from his dead friend, and drove to notify the sheriff at Colbert.

Several residents of the area, spurred by a report that Mr. Penn was carrying a large amount of money, theorized that it was a robbery attempt by someone who had followed the men from Fort Benning.

But Sheriff Dewey Seagraves of Madison County said that Mr. Penn had only $39 in cash and a Government check for $543 in his wallet.

Sheriff Seagraves said he had learned little from Mr. Penn's two companions. "It was dark and there was a heavy fog,' he noted. "You couldn't see too much."

### Probers Baffled

The sheriff said he was not getting anywhere with his investigation and that the other investigators were not doing any better.

In Athens, Ga., where an investigation control center has been set up, the local branch of the National Association for the Advancement of Colored People posted a $500 reward for the arrest and conviction of Mr. Penn's killer.

Leroy Cox, field secretary of the NAACP, and Bobby Hill, youth field secretary, said they would seek organization of NAACP units in all surrounding

areas to keep the vigil against "[illegible] indiscriminate acts."

Mr. Howard and Mr. Brown remained in the Athens area, doing what they could to aid in the investigation, while the body of Mr. Penn was returned last night in a driving rain at Dulles International Airport.

The casket bearing his body was carried here aboard a New Orleans-to-Paris jet.

Mr. Penn's wife and three children huddled in an Army staff car as the casket was removed from the giant aircraft.

The casket, inclosed in a gray wooden shipping case, was carried by a group of men into a waiting hearse. There was no ceremony.

The casket was taken to the McGuire Funeral Home, 1820 Ninth street N.W. Friends may call today from 5 p.m. to 10:30 p.m. at Jones Memorial Methodist Church at 4270 Benning road N.E.

The church will be open again tomorrow from 9 a.m. to 11 a.m. Then the body will be moved from that church, to which Mr. Penn belonged, to the Asbury Methodist Church, Eleventh and K streets N.W. for the funeral service at noon.

A spokesman for the Penn family said the Asbury church was being used because it is much larger than the family church. Burial will be in Arlington Cemetery with military honors.

Mrs. Georgia Penn and daughter, Sharon, 10, are met at Dulles Airport last night by the Army colonel who accompanied Lemuel A. Penn's body to Washington from Georgia.—Star Staff Photo.

This is the blood-splattered interior of the car Mr. Penn was driving when he was shot to death.—AP Wirephoto.

## Shotgun Savagery

What kind of a country are we becoming?

The senseless, shocking murder of Lemuel A. Penn in Georgia adds one more crime to the register of lawlessness that is staining the good name of the United States. Every circumstance of his death points to wanton terrorism by a racial fanatic. Apart from the special distress that this community will feel, there is additional revulsion that this outrage should occur at this time and in a state otherwise known for its effort to abide by the laws of the land.

Mr. Penn's life was as much a reproach to racial bigots as his death was an indictment of those who would destroy the country rather than accept truths that our founding fathers deemed self-evident. He served his community as supervisor of the city's five vocational high schools. He served his country during World War II in the Pacific theater—and, ironically, he was returning from his annual Army Reserve training at Ft. Benning, Ga., when a sniper in a passing car murdered him at dawn.

He leaves a widow and three children. "How do you teach your kids to be decent and law abiding," one Negro friend of the family asked, "when they kill your father like a dog?" This is not an easy question to answer, and we commend it to those politicians in San Francisco who are cynically angling for the votes of white supremacists.

President Johnson and Georgia authorities are responding with the vigor that this outrage makes imperative. But there is need for more than a search for the criminal; surely there must also be renewed self-examination among those who are silent accomplices to such lunatic violence. Governor Sanders was speaking for the aroused conscience of his state and country in condemning this return to savagery:

> God forbid that we ever condone the cowardly shooting by a sniper of anyone . . . If we want to see our state destroyed, our citizens demoralized, and the very foundation of our Nation undermined, we have only to let this type of individual assume greater prominence and eventually take over and this will be the end of America.

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

UNKNOWN SUBJECTS;
LT. COL. LEMUEL A. PENN
(DECEASED) ET AL. - VIC
CIVIL RIGHTS

CODE NAME: PENVIC

This investigation bei
vigorously pursued.

NOT RECORDED
191 JUL 20 1964

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 13 1964

64 JUL 21 1964

9-19 (Rev. 5-27-63)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale

112th Year. No. 194. WASHINGTON, D. C., JULY 12, 1964 Home Delivered: Phone LL 3-5000 Daily and Sunday, per month, 2.25

# D. C. Educator Shot on Highw
# Hunt Is on for Killers in Georg

Unsubs
Lt Col. Leonard A Penn - Deceased
U.S. Army SN 0348660 - Victim 8-1
Special Matters
Leonard A Penn
Leonard Penn

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror

# Negro Victim Of Gun Blast Clues Sought

## Two Other Men In Car Escape Without Injury

A sudden shotgun blast, fired without warning from a passing car, killed a top Negro official of the District school system as he drove through rural Northeast Georgia yesterday in pre-dawn fog.

The trip had been planned with special care to avoid any racial difficulties.

The victim, Lemuel A. Penn, 48, supervisor of Washington's

Other Stories and Pictures Relating to Penn Slaying. Page A-9

five vocational high schools, was on his way home from annual Army Reserve training at Fort Benning, Ga. He was a reserve Lieutenant Colonel.

The charge of pellets from the shotgun caught Mr. Penn under the left jaw, killing him instantly.

### Two Others Unhurt

Two companions, Maj. Charles E. Brown, 44, instructor in military subjects at Bell Vocational High School, and John D. Howard, 42, a teacher at Drew Elementary School and a Reserve lieutenant colonel, escaped unhurt.

A second blast, from the shotgun narrowly missed Mr. Howard, who was slouched down resting in the back seat.

Mr. Brown told The Star he grabbed the wheel to control the car as Mr. Penn fell across him and managed to bring the car to a stop. Maj. Brown then turned around and sped back toward the tiny community of Colbert, about 14 miles away.

But in the haste, and thinking another car was pursuing them, they missed an intersection of the road and hit some railroad tracks, blowing out a front tire. The other car slowed down and then sped on.

### Assailant Unknown

Authorities said there was no indication whether those in the car from which the shots were fired were white persons or Negroes.

Another car stopped shortly afterward and the driver went to notify the sheriff at Colbert, which is 11 miles north of Athens.

The slaying was doubly ironic because the trip had been planned with great care in hopes of avoiding any racial "incidents."

Also, Mr. Penn was not a member of a civil rights group, although he had worked quietly for the betterment of his race.

"We were prepared," Mr. Howard said, "for the fact that difficulties can occur when you stop for food in the South, especially in small towns.

"So we had planned our trip so that we wouldn't have to stop, except for gas, and we planned to make those stops only in big cities. We had food and soda in the car, so we wouldn't have to stop for food.

"We knew what it is like, traveling in the South. But as for fearing for our lives, we

See SHOOTING, Page A-9

LEMUEL A. PENN

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

shington Post and
Times Herald
shington Daily News
ening Star
rk Herald Tribune
rk Journal-American
rk Mirror
rk Daily News
rk Post
w York Times
rker
w Leader
l Street Journal
tional Observer
s World

SHOOTING

# Car Fired on Suddenly

Continued From Page A-1

never gave a thought to that."

The three men had been at Fort Benning since June 28 on active Army duty-taking a field grade offers refresher course.

### Urged to Return by Car

Mr. Howard said he had flown down to Georgia for his summer camp training and had planned to fly back to Washington.

"But Col. Penn and Maj. Brown prevailed on me to ride back with them," Mr. Howard said, "since they had room in the car. I hadn't even known they were at Fort Benning until I got there and met them in a class. We had all gone down on separate orders.

"I had known Col. Penn for many years, and when I was a candidate for a commission in the Reserve, he was one of my instructors. He was a fine man.

"He and Maj. Brown had been traveling together for about 10 years and they were well aware of the difficulties in the South."

The tour of duty for the three men ended officially at midnight last night but since they were authorized 24 hours of travel time, they were eligible to leave at midnight Friday night.

### Had an Army Jacket

They left just 15 minutes after midnight, riding in Maj. Brown's car. Mr. Penn, because it was cool, wore an Army jacket. The other two men wore civilian clothes.

They headed north and stopped in Atlanta to buy gasoline. They stopped again near a monument in Athens to change drivers. Maj. Howard had been driving but he moved over to the right front seat and Mr. Penn took the wheel.

About 30 minutes later, at 4:45 a.m., E.S.T., their car, a 1959 Chevrolet with Washington license plates, was on Route 172, 14 miles north of Colbert, a farming, dairy and poultry town of 425 persons.

As the car approached a bridge over the Broad River, another car suddenly pulled alongside out of the fog and darkness.

Sheriff D. J. Seagraves of Madison County, Ga., gave the following account of what happened then:

"They hadn't noticed the car behind them until it came alongside of them and the shots were fired.

### Heard No Shouts

"They said nobody shouted anything at them and they didn't hear anything but shots.

"The first shot hit Penn in the left side of the head (actually the jaw). The second one was fired right after the first and it passed through the back window right in front of Howard.

"I found a buckshot on the floor in the back of the car and it looks like it might have been a 12-gauge shotgun, but that's just a guess.

"From the hole in the side of Penn's head, I would guess he died right away and that he had been hit with a shotgun blast.

"He fell over into Brown's lap and the car scraped the side of the bridge. But Brown got control of the car, got behind the wheel and turned the car around.

### Followed by Another Car

"The other car that had shot at them went on up the top of the next hill and turned off. They thought it was going to come after them again.

"They were hurrying back to Colbert on Route 172 and they said there was another car behind them and they were afraid it was the same one that shot at them.

"When they had driven about 10 miles with this other car behind them part of the way they missed the intersection of Route 172 and Route 72 and ran across the road and hit some railroad tracks and busted the front tire. The other car they thought was following them went on down the road.

"Brown had blood all over him from where Penn had fallen on him and got out on the highway to get help.

"Another car came along from Colbert and saw this man standing in the highway with blood all over him. The driver turned around and came right back to Colbert and called me. I got the call at 5:25 a.m. (E.S.T.) and went out there."

### Didn't Sense Danger

Later, Maj. Howard told the Star: "When the shooting happened, we were riding along in the darkness, without talking. Maj. Brown was sleeping in the right front seat and I was slouched down in the back seat resting. We didn't dream of any danger . . .

"If I had been sitting up in a normal position, instead of slouched down, I would have caught it just like Col. Penn. It passed right in front of my face."

The body of Mr. Penn, taken to the Mutual Funeral Home in Athens, will be brought back to Washington under Army escort for burial at Arlington Cemetery. The schedule for the return of the body and for the funeral has not yet been set.

Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

Belmont

# Mrs. Penn Blames Racial Troubles In South for Murder of Her Husband

Mrs. Georgia Penn believes the South's racial troubles caused the senseless shotgun murder of her husband yesterday.

Lemuel A. Penn, a top Washington public school official, was killed as he drove along a Georgia highway on his way home after two weeks of Army Reserve training at Fort Benning.

"I just imagine it's over civil rights," Mrs. Penn said of her husband's death. She had been in a state of shock from the tragic events, but finally composed herself enough to talk about her husband Thursday night, and he told her that he "stayed on the post" during his tour of duty to avoid contact with any racial problems. She said she and her husband were "just quietly involved" in civil rights through their jobs and civic activities.

**Blames 'Ignorant'**

"I just guess it's the ignorant people of the South," said Mrs. Penn, a 48-year-old teacher at Paul Junior High School. "They think they are doing right."

There were deep circles under Mrs. Penn's eyes as she tried desperately to maintain her composure under the strain.

Recounting yesterday's sad events, she said she was called from Georgia at about 9:30 a.m. by Maj. Charles E. Brown, one of two passengers in the car with her husband. He told her Mr. Penn was dead.

"Mr. Brown told me he just couldn't get any help," she recalled. "They (police officials) were most uncooperative, he said."

She said she learned that other District people knew of her husband's death before she did, but she had "no idea why I was the last to know."

"I have been thinking that maybe this (Mr. Penn's death) will go down in history though it's a great loss . . . our loss . . . it might be a real gain for the Negro," Mrs. Penn said.

Mrs. Penn indicated that she believed Mr. Penn's death might cause people to become more concerned about violence against Negroes. "I think it's going to be a long, long time before violence ends," she added. "People need a lot of education."

These are the children of Lemuel Penn, who was slain in Georgia early yesterday. From left are Sharon, 10, Lemuel jr., 5, and Linda, 13. Mr. Penn lived with his family in this house at 1622 Upshur street N.W. —Star Staff Photos.

The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

4

### Notified by Army

Official notification of Mr. Penn's death reached Mrs. Penn at about 4:30 p.m. from the commanding general of the Military District of Georgia. The telegram, from Fort Gordon, Ga., merely said that Lt. Col. Penn "died from gunshot wounds approximately 10 miles northeast of Colbert, Ga., on Highway 172."

Georgia police authorities never have contacted the family. Because Col. Penn was on active duty, the Army is handling all arrangements for returning the body and personal effects to the District, a family friend reported.

The Washington community found it almost impossible to believe that Mr. Penn had been slain in such a way. The impact of the tragedy hit hard and deeply here.

"Mr. Penn . . . dead? . . . and, he was such a nice man, too."

### Neighbors Shocked

This was the way William Lofton, 15-year-old son of Dr. and Mrs. William G. Lofton of 1615 Upshur street N.W., received the news of his Lofton's reaction was typical of the way Mr. Penn's neighbors and associates spoke as they visited the educator's handsome brick home at 1622 Upshur street N.W., in the Crestwood coomunity.

Taxicabs and private cars formed a procession down quiet Upshur street in search of parking spaces. More than 200 persons, including newsmen and photographers, crowded into the house during a space of three hours.

Those who knew Mr. Penn groped for some answer to the slaying.

Col. West A. Hamilton, District School Board member and Mr. Penn's friend for 30 years, asked: "Why do people do this kind of thing? Lem Penn spent his whole life fighting the kind of ignorance that killed him."

A young Negro woman looked across the living room at the educator's son and two daughters and wondered aloud: "How do you teach your kids to be decent and law-abiding when they kill your father like a dog?"

### Son Saved Teeth

The son, Lemuel jr., 5, had lost two teeth while his father was at Fort Benning and was anxious to show them to him when Mr. Penn was due to return home late last night. The

MRS. LEMUEL PENN

daughters, Linda, 13, and Sharon, 10, had made new dresses for their father's homecoming.

Mr. Penn's friends talked about his years as principal of Phelps High School and the Boy Scout camp he organized for Negro youngsters when they weren't permitted to camp with white Scouts. They called attention to Mr. Penn's quiet work for the civil rights cause as an educator and civil leader and not as a member of any civil rights organization.

Mrs. Edward Rogers, a family friend of long standing, said: "He was brilliant but he never flouted it. He had a way with people. There was never any putting-on with him."

James Cobb, Mr. Penn's lawyer, a long-time friend and neighbor, remarked: "He was a brilliant man who always pushed himself to the peak of his ability. This is just unbelievable. He wasn't the kind of man that would do anybody any harm."

Another friend, Bainbridge Buckley, also a public school teacher, recalled: "This is the kind of thing Robert Kennedy said is the price we have to pay. I've known Lem since 1932. He was about the most perfect person you could meet."

Mrs. Penn, at one point, turned to Francis A. Gregory, a Labor Department official as assistant director of manpower development and a close friend of the family, and remarked:

"It was such a pity. You know he lived through engagement after engagement, fighting in the South Pacific during the war. And, then he couldn't even come home safely in his own country."

Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

Deputy Sheriff H. L. Pulleam points to holes blasted in the windows of the car in which Lemuel Penn, Washington educator was shot to death yesterday.—AP Wirephoto.

PROBE

# Shotgun Pellets Only Clue

Continued From Page A-1

his office, Governor Sanders told newsmen that he hoped for an early arrest of the guilty party "so that this will serve as an example to any other individual or group who might feel inclined to take the law into their own hands."

### Sanders Assails Extremists

The governor made a scathing attack on what he called rabble rousers and extremists.

"God forbid," he said, "that we ever condone the cowardly shooting by a sniper of anyone. With prompt work, we can solve this despicable crime and regain our respect and dignity.

"I am appealing to the responsible citizens of Georgia to wake up and take the initiative in setting an example of responsibility for law and order.

"If we want to see our State destroyed, our citizens demoralized, and the very foundation of our nation undermined, we have only to let this type of individual assume greater prominence and eventually take over and this will be the end of America.

"I am ashamed for myself and for the responsible citizens of Georgia that this occurrance took place in our State. This unfortunate, nonsensical occurance today represents the inflammatory reaction of a person with a demented mind."

The deep concren in Atlanta and Washington was reflected at the scene where Federal, State and local investigators faced a virtually clueless murder.

### Officers Without Clues

Although there were two eyewitnesses—Mr. Penn's companions—both were dozing as Mr. Penn drove through the

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

foggy night on the way home from Georgia.

When they were awakened by the shotgun blast, Mr. Brown in the front seat was too busy struggling to keep the car on the road to notice the killer's car. Mr. Penn had collapsed on him and the car was momentarily out of control.

In the back, Mr. Howard, who had been stretched out, sat up in time to see a gray shadow of a car speeding from the scene.

He got the impression that the car was of a light color, possibly cream or gray, that it was a General Motors product of 1960, 1961 or 1962 vintage.

### Area Has Been Juiet

He couldn't tell whether there was one or more occupants of the other car, but investigators are going on the assumption that there were at least two men. They based this partially on the difficulty of driving and shooting simultaneously but Major Ragdale had another reason for believing it was not a one-man job.

"It was too cowardly an act," he explained. "People like that don't take a shotgun out alone."

There were no suspects based on rpevious racial troubles, either. In this rural area of northeast Georgia, close by a Negro settlement, there has been none of the civil rights agitation that has brought violence to Albany and Americus, Ga.

Investigators had only a slim clue in the shotgun pellets found in the car. They believed the blast came from a 12-gauge or a 16-gauge shotgun.

### Wadding Is Sought

On the crime scene, they were searching for the wadding from the gun shell, which would give them a surer indication of the guage.

The search for tire tracks at the scene was not expected to produce any substantial clue. The highway is paved and the shoulders of the road are deep in grass which springs back into place, leaving no trace.

Agents were focusing on Mr. Penn's car in the hunt for more shotgun pellets, possibly buried in the upholstery. They studied the shattered window glass beside the driver's seat and the other marks of the blast to determine the angle of the trajectory.

A postmortem was performed on Mr. Penn's body to recover the rest of the pellets and to help chart the course of the fatal blast.

### Headquarters In Athens

A headquarters for all the agents was set up in the police headquarters in Athens, Ga., the nearest sizable town. There Federal, State and local agents were paired off for the arduous job of questioning residents along the death road.

The questioning will extend for 40 miles from Athens to Hartwell, Ga., which lies well beyond the death scene but on the road the killers took after the shooting. Although the area is sparsely settled, there are some houses quite near the scene and investigators began their questioning in that neighborhood.

Agents planned last night to take Mr. Howard and Mr. Brown to the scene to pinpoint the spot where the slaying took place and re-enact, as best they could, what happened there.

Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

1

# Johnson Acts Swiftly to Start Probes

President Johnson and the Governor of Georgia yesterday ordered Federal, State and local law enforcement agencies into a massive manhunt for the killers of a Washington educator returning from military duty in Georgia.

Federal officialdom moved swiftly after the first reports of the shotgun slaying of Lemuel A. Penn.

President Johnson was notified of the shooting by Secretary of Defense McNamara since the victim was a reserve officer. The President told the Defense Secretary to "contact the FBI and bring them into the case."

White House press secretary George Reedy said that as soon as the President completed his conversation with Mr. McNamara, "he called Carl Sanders, Governor of Georgia, and the Governor has told him that the resources of the Georgia Bureau of Investigation would be put into the case and there will be co-operation at both Federal and State levels."

Phoned Death Threats Made Against Hoover. Page A-2
FBI Probes Mississippi Church Burning. Page A-2

### Appeals to Citizens

Governor Sanders told newsmen in Atlanta that he will get no proper sleep until the killers are brought to justice.

"I am appealing," said the governor, "to the responsible citizens of Georgia to wake up and take the initiative in setting an example of responsibility for law and order."

The Justice Department announced that Attorney General Robert F. Kennedy, notified in Hyannisport, directed the FBI to join the search for the killers.

Before the afternoon was over, FBI agents, Army Criminal Investigation Division agents, Georgia Bureau of Investigation agents and local police were fanning out over an area of more than 40 miles in search of clues to the identity of the slayers.

### First Reported to FBI

The first spur to Federal action came when John D. Howard, also a reserve officer and a teacher at Drew Elementary School here, reported the shooting to the FBI at Atlanta, Ga., and to military authorities in Georgia.

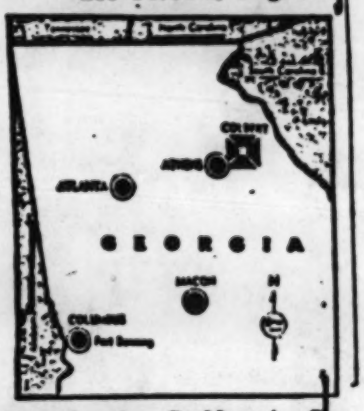
Mr. Howard and Charles E. Brown, a major in the reserve and instructor in military subjects at Bell Vocational High School were riding with Mr. Penn when a sniper fired a shotgun blast into the car.

Governor Sanders, worried and obviously shaken, summoned Major Bernard Greenleaf Ragsdale, chief of the Georgia Bureau of Investgiation, to his office.

"The Governor told me to get what agents I needed in there and to give the FBI and the GID every assistance needed to solve this crime," Major Ragdale reported.

While the GBI chief was in

See PROBE, Page A-




Map locates Colbert, Ga., where Lemuel A. Penn was killed by a shotgun blast yesterday.

Belmont: _____
Mohr: _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

8

Belmont
Mohr
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

LEMUEL A. PENN, EDUCATOR

# Shotgun Blast Ended Brilliant Career

The shotgun blast that shattered the Georgia dawn ended a career of exceptional brilliance.

Lemuel A. Penn at 48 was a leader in his profession and in his church, a lieutenant colonel in the Army Reserve and a dedicated worker for the Boy Scouts.

And his colleagues agreed that his usefulness to the school system he had served since 1939 had not yet reached its peak. He had nearly completed his work for a doctorate in education and he could reasonably look forward to promotion to assistant superintendent—third ranking post in one of the nation's major educational systems.

Born in the District, Mr. Penn was graduated from Armstrong High School and then received his bachelor's and master's degrees at Howard University. At the time of his death, he was a candidate for a doctorate at New York University with only his dissertation yet to be written.

### Hired as Teacher

Mr. Penn joined the District school system in the then-separate Negro division as a teacher of science and mathematics in 1939.

During World War II, he served in the Army in the South Pacific.

After the war, he returned to the District as a teacher and in 1948 became principal of the Veterans High School Center, moving in 1954 to Phelps Vocational High School as principal.

During the next few years, he made himself an expert in vocational education and in 1962 he joined the staff of the superintendent as director of industrial and adult education. In this position, he was also in charge of evening and summer schools and handled most of the personnel affairs of the vocational, evening and summer schools.

Assistant Superintendent Harold A. Clark, Mr. Penn's immediate superior, described him as "one of the foremost educators we had. He knew the school system in and out. He was one of the finest people I know."

Deputy Supt. John Riecks called Mr. Penn "one of the best-loved people in the system."

As an expert in vocational education, Mr. Penn was also well-known nationally in educational circles and had written a number of articles on his specialty.

In addition to his work in the school system, Mr. Penn also served as a trustee of the Jones Memorial Methodist Church at 4270 Benning road N.E., and for more than 15 years had been a leader in District Boy Scout affairs.

### Organized Scout Camp

He was instrumental in organizing Camp Chesapeake as a Negro Scout camp in the days before integration and had served as a vice chairman of the Anacostia District of the Boy Scouts.

Before moving to his present home at 1622 Upshur street N.W., he was an officer in the Northeast Boundary Association. He was also a member of the Omega Psi Phi social fraternity and was a past president of the Secondary School Principals of the District.

Mr. Penn is survived by his wife, Georgia, a home economics teacher at Paul Junior High School, and three children, Lemuel, jr., 5; Sharon, 10, and Linda, 13.

With Mr. Penn at the time of his death were two other men whose careers were in many ways parallel to his, Charles E. Brown, 44, an instructor in military science at Bell Vocational High School, and John D. Howard, 42, a sixth-grade teacher at Drew Elementary School.

CHARLES E. BROWN

JOHN D. HOWARD

### Army Reserve Major

Mr. Brown is a major in the Army Reserve and lives at 40 Forty-sixth street N.E. with his wife, Carnelia, and their two children, Carnelia, 16, and Charles Robert, 14.

A native of Thomasville, Ga., he has been teaching at Bell for about 15 years, according to his father-in-law, F. R. Lampkin of 2310 Woodridge street N.E.

Mr. Lampkin was caring for the two Brown children while Mr. Brown was on active duty at Fort Benning, Ga., and Mrs.

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

9

Brown was on a 10-day vacation in San Juan, Puerto Rico, with Mrs. Lampkin.

Mr. Brown called his father-in-law yesterday morning to tell him of the shooting and asked him to try to call and reassure Mrs. Brown. Mrs. Brown teaches geography and history at Kelly Miller Junior High School.

**Also Reserve Officer**

Mr. Howard, like Mr. Penn, is a native of the District and he, too, is a lieutenant colonel in the Army Reserve.

He attended District schools and, in 1939, enrolled at D. C. Teachers College, but entered the Army in 1941 before receiving his degree. After attending officer candidate school, he was commissioned a second lieutenant in the infantry and served in the Pacific until 1946, when he was discharged with the rank of captain.

As a civilian, he worked for the Air Force at the Pentagon, but in 1958 he returned to school, receiving his bachelor's degree from D. C. Teachers College in 1961 and a master's degree in education at New York University in 1962. Since then he has been a sixth-grade teacher at Drew Elementary School.

He is an illustrious potentate of the Shrine and a 32d-degree Mason; a trustee of Mount Moriah Baptist Church, Seventeenth and East Capitol streets, and a member of the National Association for the Advancement of Colored People.

He lives with his wife, Marguerite, a teacher of mathematics at Gordon Junior High School, at 50 S street N.W. They have three children, Barbara, 17; Brenda, 14, and John III, 2.

Mr. Howard is a member of the 2070 Army Reserve School Unit, headquartered at Fort Myer, while Mr. Penn and Mr. Brown served together as members of the 2222 Maneuver Control Group at Fort Meade, Md.

Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

10

# Rays of Hope In the South's Violent Day

The picture of racial violence was a grim one in the South yesterday, with incidents of murder, fire, riot demonstrations and new tests of the Civil Rights Act.

The killing of Negro educator Lemuel A. Penn as he drove through North Georgia cast the darkest hue over the spectrum which represented Southern reaction to the Federal act and to civil-rights workers. But almost unnoticed, the picture brightened to some extent when National Guard troops pulled out of Cambridge, Md., exactly one year from the night of racial violence that brought them.

With the 50 Guardsmen that drove out of Cambridge across the Choptank River bridge, went the modified martial law they established to keep a tense racial peace. One or two Guard officers were assigned to remain for several days to maintain a type of rear guard. Included among them was Capt. William Harris, of Baltimore, a Negro deputy U. S. marshal in civilian life who has been working on a recreation program for Negro children.

## OFFERS THANKS

No townspeople turned out to watch the troops ride out, but officials said one white woman visited the armory yesterday to thank the Guardsmen for keeping the peace since they were returned to Cambridge last July after a night of race rioting.

The only other good news was the statement, by Mrs. Constance Baker Motley, a lawyer for the National Association for the Advancement of Colored People. She told an audience in Nashville, Tenn., that there had been a noticeable change for the better in race relations in Jackson, Meridian and Biloxi, Miss.

But in Greenwood, Miss., about 80 miles north of Jackson, civil-rights workers reported that a pre-dawn fire destroyed a Negro Baptist church. The Pleasant Plain Missionary Baptist Church was in a predominantly white neighborhood, and members said whites had been trying to buy the property.

Local officials maintained there was no evidence of arson, but staff members of the Council of Federated Organizations charged that the Greenwood fire truck stood idly by while fire burned out the concrete block structure.

Assistant Fire Chief L. C. Shepherd said the truck was

Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele Room
Holmes
Gandy

44-25873-

The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World
Date

JUL 12 1964

44-25873-A
NOT RECORDED
176 JUL 22 1964
74 JUL 23 1964

dispatched just after the 2 a. m. alarm, but that firemen were helpless because "there were no fire hydrants at the scene of the fire."

FBI Director J. Edgar Hoover was still in Jackson when the fire was reported. Mr. Hoover had conferred Friday with Gov. Paul Johnson about the civil-rights situation in Mississippi. An additional 50 FBI agents have been assigned to Mississippi and yesterday FBI officers were investigating the fire.

## FBI PROBE

Mr. Hoover also promised that the search for the three civil-rights workers who disappeared June 21 would continue "until the bodies are found."

At Lake City, Fla., police were still questioning eight persons after the riot in which four persons were injured, one critically. Mayor-Police Commissioner J. R. Tison said "the town went wild" after Negroes attempted to integrate a theater.

Police said the rioting started after a Negro woman allegedly knifed a white youth when she was refused admittance to the white section of a theater. Witnesses said 200 white men, milling around the theater entrance, used broomsticks and clubs to force the Negroes away.

Shots were fired and a white youth, Thomas E. Booth, 21, was hit in the abdomen. He was reported in fair condition yesterday.

Police in Hattiesburg, Miss., reported no results in the search for two white men who leaped from a truck Friday to attack a Cleveland rabbi, Arthur Lelyveld, 51, and two other civil-rights workers. Rabbi Lelyveld was hospitalized with a cut over the eye after he was struck by a heavy iron bar wielded by one of the attackers. Police said there were no license plates on the truck.

In Tuscaloosa, Ala., police imposed an 8 p. m. curfew on persons 21 years and younger as a result of the mob incited against actor Jack Palance at a theater there Thursday night. The mob surrounded and stoned the theater after hearing false reports that Mr. Palance had been paid by integration groups to attend the theater. Tear gas and fire hoses were needed to quell the disturbance, and Mr. and Mrs. Palance and their three children were escorted out of town. The actor was in town with his family to visit his wife's aunt who lives on a nearby plantation. They went to the theater nearby for an evening's entertainment.

121

(Mount Clipping in Space Below)

# Massive Investigation Is Started In Shooting of Negro Educator

Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Dalbeck
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Journal
Constitution
Atlanta, Georgia

Date: 7/12/64
Edition: final
Author:
Editor: Luther McAllist
Title: UNSUBS: LT COL. LEMUEL A. PENN, DECEASED, US ARM
Character: SN 0348661, or VICTIM
Classification: RM
Submitting Office: ATLANTA

[X] Being Investigated

File
6-Al

44-25873-
NOT RECORDED
191 AUG 3 1964

56 AUG 4 1964

# Sanders Warns Silence By Moderates Is Harmful

Acting on orders of President Johnson and Gov. Sanders, federal, state and local officials moved swiftly Saturday to investigate the slaying of a Washington, D.C., Negro educator and Army Reserve officer in rural Northeast Georgia.

The victim, Lemuel A. Penn, 49, director of vocational high schools in Washington, was killed by a shotgun blast from an unknown assailant in a speeding car as he and two companions drove near Colbert, Ga., in Madison County, early Saturday.

Lemuel A. Penn

They were en route home after a two-week summer training stint at Ft. Benning. Mr. Penn, a lieutenant colonel, was driving as his companions, Lt. Col. John D. Howard and Maj. Charles E. Brown, also Negroes, dozed.

Late Saturday night Assistant FBI Director J. J. Casper arrived from Washington to take personal command of the investigation.

DESPITE an intensive probe by agents from the Federal and Georgia Bureaus of Investigation and local officers, few leads into the slaying had been turned up late Saturday.

The tight-lipped investigators apparently did not even know if the gunman was white or Negro since Mr. Howard and Mr. Brown did not see who was in the second car.

MADISON Sheriff Dewey Seagraves said there was nothing to indicate the slaying was a racial incident. Mr. Howard and Mr. Brown told officers that no incidents of any kind led up to the shooting.

In Washington, a spokesman for the family said Mr. Penn was not a member of any civil rights organization, nor had he been involved in any protest demonstrations.

President Johnson, told of the shooting Saturday morning by Defense Secretary Robert McNamara, conferred with Gov. Sanders by telephone to insure complete federal-state cooperation, then asked Atty. Gen. Robert Kennedy to send in the FBI.

The reserve officers were still traveling under Army orders at the time of the shooting. Except for an Army jacket worn by Mr. Penn, they wore civilian clothes. Agents from the Army's Criminal Investigation also participated in the probe.

AFTER THE telephone conference with the President, Gov. Sanders called a press conference shortly after noon and angrily condemned the shooting as "an unfortunate, nonsensical occurrence" that "represents the inflammatory reaction of a person with a demented mind."

The governor said "rabble-

rousers and extremists" have been allowed to become more and more vocal by "the good people" of the state "are either not concerned enough or not speaking out as they should."

He said he had immediately ordered the GBI into the investigation and told them "to leave no stone unturned."

Mr. Penn's traveling companions also are Washington educators.

Mr. Brown is instructor of military science at Vocational High School and Mr. Howard is an elementary school teacher.

Sheriff Seagraves said the two, who were unharmed, were taken to Ft. Gordon at nearby Augusta by the FBI while the investigation continues.

Maj. Barney Ragsdale, GBI director, said the GBI's Washington, Ga., office was called by the Madison County sheriff about the shooting. GBI Lt. J. E. Carnes of the Milledgeville office, agent M. S. Calloway of Washington and Dr. Larry Howard of the State Crime Lab immediately went to Colbert along with the Madison County sheriff and FBI agents, Maj. Ragsdale said.

Dr. Howard, who was conducting an autopsy of the body at an Athens hospital, said death was caused by a shotgun wound. He said Mr. Penn's body was "full of buckshot."

The center of investigation has been set up at the Athens city police station. The dead man's body is at the Mutual Funeral Home in Athens.

Gov. Sanders in his statement said he was appealing to "the responsible citizens of our state to wake up and to take the initiative in setting an example of responsibility for law and order.

"What is happening is that we are permitting the rabble-rousers and extremists to become more and more vocal and influential while the good people — the vast majority — are either not concerned enough or not speaking out as they should.

"If we want to see our state destroyed, our citizens demoralized and the very foundation of our nation undermined, we have only to let this type of individual assume greater prominence and eventually take over and this will be the end of America," the governor said.

"God forbid that we ever condone the cowardly shooting by a sniper of anyone," he said. "With prompt work, we can solve this despicable crime and regain our respect and dignity."

THE GOVERNOR said he was "ashamed for myself and for the responsible citizens of Georgia that this occurrence took place in our state."

It was not known whether the slayer was white or Negro, Maj. Ragsdale said in a response to a question at the press conference.

"It appears to be the deliberate action of some individual roaming around who apparently had made up his mind to shoot someone," Gov. Sanders added.

Gov. Sanders prefaced his statement by saying that "some of the most tragic events . . . the world has ever known" had happened in the last year in this country. "And now, another such incident has happened to bring it closer to home."

WIRE SERVICE reports said that Mr. Penn had held his present position for about two years. Before that he had been a vo-

cational high school principal. District of Columbia School Supt. Carl Hansen called him "an outstanding educator and a man of great ability and great promise."

Mr. Hansen said Mr. Penn had been with the District school system for 20 years and that, as assistant to the superintendent of schools, he supervised five vocational high schools along with the Washington adult educational program.

Mr. Penn was married and the father of three children, aged 13, 10 and 5.

IN WASHINGTON, a family spokesman told United Press International that Mr. Penn called his wife, Gloria, Thursday night to tell her he planned to arrive there Saturday night rather than Sunday as he had planned originally.

Mrs. Penn received word of her husband's death by telephone from one of his traveling companions, Mr. Brown.

"It's a pity that he could live through World War II and not be able to return home and live within the boundaries of his own country in safety and security," she was quoted as saying. Her husband was a veteran of the South Pacific campaign.

Later, friends said, Mrs. Penn told her three children, then became "completely distraught."

Mr. Penn had nearly completed work for a doctor's degree and had studied at Howard, New York and Columbia universities.

Ft. Benning officials said Mr. Penn was a member of the XXI U.S. Army Corps within the 2222 Maneuver Area Command which encompasses Washington, D.C.

The Athens branch of the National Association for the Advancement of Colored People offered a $500 reward for information leading to the arrest and conviction of the slayer.

Sen. Leroy Johnson of Atlanta, Georgia's only Negro legislator, issued a statement saying in part that "all responsible Georgians must be ashamed of the killing of a Negro educator in our state."

Photo—Walter Rugsby

GBI, FBI AGENTS CONDUCT AREA GROUND SEARCH IN VICINITY OF COLBERT SLAYING
Car, Foreground, in Approximate Position Where Fatal Shots Were Fired

(Mount Clipping in Space Below)

Mr. Belmont
Mr. Mohr
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

# President orders FBI into case

## *GBI is searching for sniper-killer on state highway*

By GENE STEPHENS
Times Staff Writer

COLBERT — A Negro lieutenant colonel in the Army reserve was gunned down by a blast from another car as he sped along Highway 172 near this quiet, North Georgia town Saturday morning.

President Johnson immediately ordered the FBI into the case and Georgia Gov. Carl Sanders called the Georgia Bureau of Investigation into the search for the sniper who killed Lemuel A. Penn, 48. Penn, in civilian life, was an assistant to the superintendent of the District of Columbia schools in Washington.

Penn was reportedly returning to Washington from Ft. Benning, at Columbus, where he had been undergoing summer Army reserve training.

He was not in Army uniform but was wearing an Army jacket, according to Maj. Barney Ragsdale, chief of the Georgia Bureau of Investigation, who immediately started an investigation upon command from Gov. Sanders.

(Indicate page, name of newspaper, city and state.)

Page 1
The Atlanta Times
Atlanta, Georgia

Date: 7/12/64
Edition: Metro final
Author: Gene Stephens
Editor: Luke Greene
Title: UNSUBS: LT. COL. LEMUEL A. PENN, DECEASED, US ARMY
Character: SN 0348661, or VICTIM
Classification: RM
Submitting Office: ATLANTA

[X] Being Investigated

44-25873-H

[illegible] DED
19[illegible] A[illegible] 1964

3
56 AUG 4 1964

★

Three windows in the car were blown out. The front window was almost out with the back window shattered by a two-inch hole and a window on the far side shattered by a similar hole.

Two other Negro men, also soldiers, were in the car with Penn at the time of the shooting. They were identified as Lt. Col. John D. Howard, 47, and Maj. Charles E. Brown, 40, also of Washington. Both men were also teached in the Washington Public schools.

★

Authorities said Howard and Brown told them that the blast came from a "gray hulk" of a car that sped past them in a foggy, early morning mist.

The men said they heard two shots in rapid succession and then Penn slumped over the wheel.

In describing the accident in which the car hit the ditch after the shooting, Brown said that when Penn was shot he was asleep in the front seat. When Penn slumped across the seat, both he (Brown) and Howard grabbed for the wheel.

The car then sideswiped the side of Broad River bridge, but they were able to manage the car across span, Brown said. They said that the other car had stopped about 200 yards ahead and they were frightened and turned the car around and headed back, afraid of an ambush.

The fog and their anxiety, according to Brown, made them wreck the car, crashing through a ditch and almost over some railroad tracks.

LEMUEL A PENN
...Shot in car.

Sheriff Dewey Seagraves of Madison County said the two then flagged down a car and got the driver to travel on to Colbert and inform Colbert police they had a man shot and in bad condition.

Investigators are investigating tire tracks believed to have been made by the sniper's car and have made casts of footprints found in the general area where the car is believed to have turned around.

★

Ragsdale said police had reconstructed a series of events that started when the three left Ft. Benning in the middle of the night, bound for Washington. They had made only two stops between Columbus, where Ft. Benning is located, and Athens, about 10 miles northeast of Colbert.

One of the stops was made north of Atlanta for gas and the other in Athens to change drivers.

The three had been traveling on state Route 72, but when they got to Colbert they turned off on 172. It was on this road, that the shooting occurred, about 14 miles from Colbert at a spot called Broad River Bridge.

Penn was driving, and Brown was in the front seat, asleep or dozing. Howard was in the back. "When they got along near the river, they heard two shots in rapid succession and thought a tire had blown out," Ragsdale said.

Penn slumped over Brown. Brown and Howard stopped the car, turned it around and headed back for Colbert.

He was taken to Mutual Funeral Home at Athens where attendants said it appeared Penn had been hit squarely in the face by a shotgun blast.

There were conflicting reports about the time of the shooting—ranging from 3:30 to 5:30 a.m.

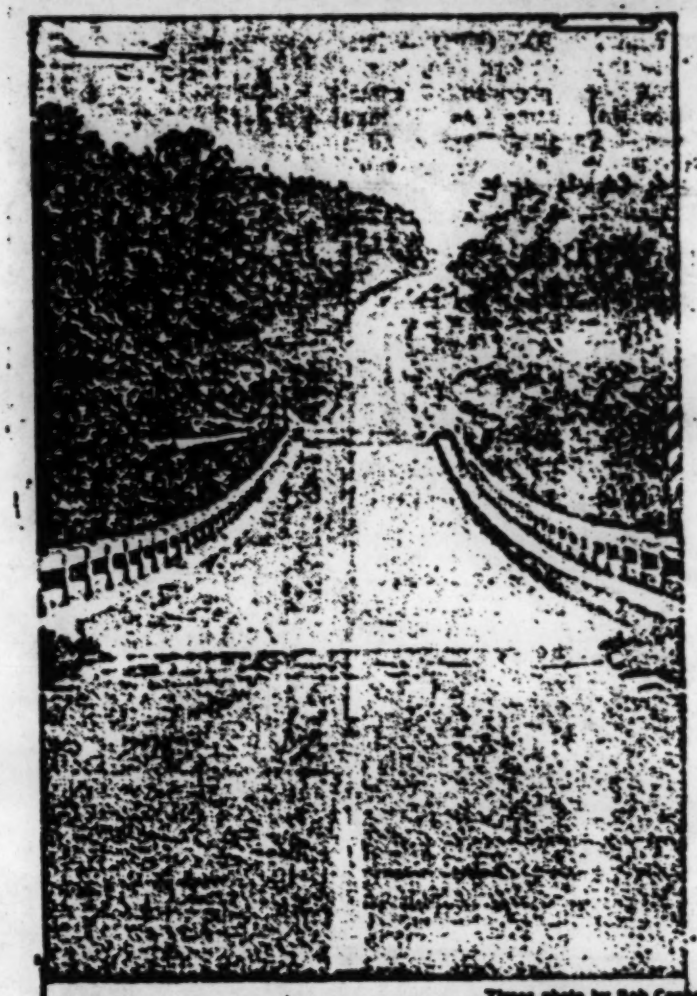
According to Police Chief Dewey Carithers of Colbert, one of the riders in the car told him that the other car pulled up beside them and fired only one shot (the car shows more) from a shotgun.

Ragsdale said that the two Negro men told him they thought another was following them on their way to Colbert and they became excited and drove their car into a ditch.

Brown and Howard, under close police questioning, denied they had had any trouble with whites during their journey.

Ragsdale said his investigation revealed that a pistol bullet was lodged in the victim's neck. That verified the other Negroes' story that the shot was fired from another car.

The body will be brought to Handley Ashby Street Funeral Home in Atlanta later tonight and will be shipped to Washington, D. C., tomorrow afternoon. Lt. Col. Penn was married and has three children.



Times photo by Bob Cantrell

*Shots fired near Broad River*

FEDERAL BUREAU OF INVESTIGATION
ENCLOSURE COVER SHEET

SUBJECT: PENVIC

FILE: 94-5-87646

SECTION 1 OF 1

THIS SECTION IS COMPRISED OF 3 PAGES
WHICH WERE REVIEWED FOR THIS RELEASE.

3 PAGES ARE AVAILABLE FROM THIS SECTION
FOR RELEASE.

THIS IS ENCLOSURE 25 OF 25 ENCLOSURE(S)

NO DUPLICATION FEE
FOR THIS PAGE

3-27 (Rev. 3-29-78)

SAC, Washington Field 5/23/78

Director, FBI

Research

LEMUEL A. PENN CAREER DEVELOPMENT CENTER
BUREAU RECRUITMENT

☐ Immediately contact applicant and orally acknowledge receipt of letter and/or application, copy of which is enclosed.

The following action should be taken in connection with the above-named applicant:

☐ Process in accordance with instructions set forth in Manual of Investigative Operations and Guidelines, Volume I, Section 67
☐ Arrange interview
☐ Secure application
☐ Fingerprint card
☐ Photograph
☐ Afford following tests:

☐ Typing
☐ Stenographic
☐ Spelling
☐ Vocabulary
☐ Agent
☐ Translation

If favorably recommended:

☐ Bring application dated _____ up to date
☐ Initiate investigation with _____ day deadline
☐ Do not initiate investigation, forward all papers to Bureau
☐ Initiate supplemental investigation with _____ day deadline
☒ Miscellaneous

MAILED 18
MAY 23 1978
FBI

EX-115 REC-44 94-5-87646
DE-72 V-27

Attached did not reach FBIHQ until 5/9/78. You should contact the center, explain our various entrance positions, and point out that the FBI has no part-time, work-study, or summer employment programs.

Enclosures 2 ENCLOSURES
(4) bdg

9 JUN 6 1978

MAIL ROOM
54 JUL 10 1978

FBI/DOJ

160-20808-15

L[illegible] A. [illegible] CAREER DEVELOPMENT [illegible]
1700 3rd Street, N.E.
Washington, D.C. 20002
(202) 576-6308

April 17, 1978

Mr. Jessie House
Federal Bureau of Investigation
Employment Division
9th & E Streets, N.W.
Washington, D.C.

Dear Sir:

The Career Development Team (CDT) at the Lemuel A. Penn Center would like to extend an invitation to the representative of your agency to tour our career development training departments to view the equipment and facilities. Also, this contact would give you the opportunity to talk with the instructor for the purpose of presently and in the future hiring part-time (stay in school Work-Study Program) and full-time summer and career students in a capacity related to their job training.

The Penn Center offers students and adults vocational training and instruction in the following areas: Architectural and Engineering Drafting, Advertising Art and Graphic Design, Printing (Copy Preparation, Paste-up and Estimation, Litho-Camera, Offset Press and Bindery), Urban Journalism Workshop (Reporting, Photojournalism, Newspaper and TV News Workshops, American Government and Urban Studies), and the Literary Arts Program (Film-making, Creative Photography, Graphic Design, Poetry and Fiction Workshops). Along with career development training, students have skills as clerk-typists, file clerks, messengers, etc.

If this proposal of program activities can be coordinated with our staff (the career counseling, instructive and administrative in the immediated future, we would be most appreciative.

For futher information, please contact, I. Frank Benjamin, Ruth McArthur, or Barbara Galloway at 576-6308.

Sincerely,

I. Frank Benjamin
Career Counselor

Ruth McArthur
Teacher Coordinator

Barbara G. Galloway
Barbara Galloway
Guidance Counselor

cc:c

ENCLOSURE

Lemuel Penn Career Center's

Home School Association

Presents

The

4th Annual Open House and

Arts Exhibit

Wednesday, April, 26, 1978 All day and 7:30 p.m. - 10:00 p.m.

Featuring:

Photography Exhibit
Mixed Media Exhibit
Shop Demonstrations/Tours
Latest Publications
Faculty Art Exhibit

Refreshments Served

Come see all the good things we do

For information: 576-6313
576-6308

Lemuel Penn Career Center
1709 3rd Street, N.E.
Washington, D.C. 20002

ENCLOSURE